The eighth meeting of the Nevada Silver Haired Legislative Forum (NSHLF) for the 2007-2008 interim period was held on Monday, September 15, 2008, at 10 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and to Room 31 of Griswold Hall, University of Nevada School of Medicine, 701 Walnut Avenue, Elko, Nevada. A copy of this set of “Summary Minutes and Action Report,” including the “Revised Meeting Notice and Agenda” (Exhibit A) and other substantive exhibits, is available on the Nevada Legislature’s Web site at www.leg.state.nv.us/74th/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau’s Publications Office (e-mail: publications@lcbo.state.nv.us; telephone: 775/684-6835.)

FORUM MEMBERS PRESENT IN LAS VEGAS:

Lucy Peres, President
Alice Adams
Evelyn A. Cannestra, M.S.W.
Richard C. Doyle
Robert E. Erickson
Verlia Davis Hoggard
Herbert W. Perry, CPA/EA
Herbert E. Randall, Ed.D.
Mary D. Roberts
Rick A. Stanfill
Ronald E. Stoller
Harriet Trudell
FORUM MEMBERS PRESENT IN CARSON CITY:

   Ruth H. Hart
   Margaret Spooner

FORUM MEMBER PRESENT IN ELKO:

   Ray B. Jones

FORUM MEMBERS ABSENT (EXCUSED):

   Clo Banks
   Joann M. Bongiorno
   Thelma Clark
   Sydelle MacKay
   Jane Maxfield
   Darlene B. Hines Perry
   Mimi Rodden

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

   Mary Shope, Coordinator, NSHLF, Administrative Division, Las Vegas Office
I. CALL TO ORDER AND OPENING REMARKS

Lucy Peres, Forum President, called the Nevada Silver Haired Legislative Forum’s (NSHLF) meeting to order. Roll was called and a quorum was determined to be present.

President Peres welcomed guests and members of the public.

President Peres, with the Forum’s permission, modified the agenda order to accommodate the guest’s schedules.

V. WORK SESSION – DISCUSSION AND ACTION ON RECOMMENDATIONS TO THE LEGISLATIVE COMMISSION AND THE GOVERNOR RELATING TO:

B. TOBACCO MASTER SETTLEMENT AGREEMENT (MSA) SECURITIZATION PRESENTATION BY BRIAN K. KROLICKI, LIEUTENANT GOVERNOR

- Mary Shope, Coordinator, NSHLF, introduced and welcomed Lieutenant Governor Brian K. Krolicki. (Exhibit B)

- Lt. Governor Krolicki presented an overview of the MSA and the reasoning for considering a securitization plan. (Exhibit C), (Exhibit D), and (Exhibit E) As a result of the horrific economic environment, he considered all revenue sources, including the MSA, as options for funding senior services. The Lt. Governor indicated borrowing against the MSA payments would provide $600 million dollars, as a one-time lump sum payment, instead of the $35 – 45 million dollars annual payment.

The Forum members expressed their concerns that today’s economic environment might limit securitization options and impact matching federal dollars.

In answering the Forum concerns, the Lt. Governor reiterated the need to balance the State’s budget, along with his support for aging services. He stated the MSA would secure funding for senior programs and reduce the impact from the loss of federal dollars.

- Chester Hamilton, private citizen, inquired about the bond rating and shared his concerns about the difficulties of acquiring favorable classification in today’s market.

Lt. Governor Krolicki reassured the Forum the State’s financial obligation would not be negatively affected because the MSA contract would be the security for the bond.
• Richard C. Doyle questioned the guarantee funding from the MSA securitization.

Lt. Governor Krolicki respectfully disagreed with the notion that the current MSA funding was guaranteed and indicated securitization might provide a secure funding source. He highlighted the challenges that affect the current MSA funding.

• Carl Martinez, private citizen and member of the Nevada Commission on Aging (COA), stated the COA opposed the selling of the MSA. He delineated the benefits derived from Independent Living Grants (ILG) that allowed the aged to live as independently as they can, for as long as they can.

The Lt. Governor agreed with Mr. Martinez’s concern for the preservation of senior services, but stated these critical programs could be re-evaluated during any legislative session regardless of the funding source issue.

• Janice R. Ayers, Executive Director and CEO, Nevada Rural Counties Retired and Senior Volunteer Program, Inc. and President of Nevada Senior Corps Association, stated her opposition to the MSA securitization plan. She characterized the securitization as a “quick-fix payday loan” which would jeopardize senior programs and reduce federal matching grant dollars. (Exhibit F)

• Angie Pratt, Director, Northern Nevada Alzheimer Association, “vehemently” opposed the MSA securitization proposal. She summarized the many services provided by the Alzheimer Association and expressed her concern that the sale of the MSA would ultimately cost the State more money in increased emergency medical care costs. (Exhibit G)

• Connie McMullen, Chairwoman, Strategic Plan Accountability Committee and member of Senior Spectrum, respectfully disagreed with the MSA securitization proposal. She stated the removal of this funding would prematurely institutionalize all groups of individuals: young, disabled, blind, and seniors.

• Barry Gold, Director of Government Relations, Nevada AARP, requested AARP’s opposition to the securitization option be shared with the Forum and entered on the record. (Exhibit H)

• Evelyn A. Cannestra acknowledged the Lt. Governor’s commitment to secure the State’s financial posture and the agencies’ passion to preserve senior services. She suggested the Millennium Scholarship MSA funds be restructured to provide greater funding for senior programs.
II. APPROVAL OF MINUTES OF THE JULY 15, 2008, MEETING

• Ms. Shope summarized the July 15, 2008, meeting minutes. The NSHLF APPROVED THE FOLLOWING ACTION:

  RICHARD C. DOYLE MOVED TO APPROVE THE MINUTES OF THE JULY 15, 2008, MEETING. VERLIA DAVIS HOGGARD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

III. DISCUSSION AND APPROVAL OF THE TREASURER’S REPORT FOR SEPTEMBER 15, 2008

• Robert E. Erickson, Forum Treasurer, explained the “Legislative Counsel Bureau, Sources/Uses of Funds + Encumbrances”, Fiscal year thru the period ending 06/30/2008 (Exhibit I), Fiscal year thru the period ending 07/31/2008 (Exhibit J), and Fiscal year thru the period ending 08/31/2008 (Exhibit K).

  Mr. Erickson stated the Forum’s current account balance of $9,835 reflected the FY 2009 appropriation of $8,331 and the remaining past fiscal year dollars. Additionally, he reminded the Forum of their reserved account, consisting of monies previously raised by Forum members.

• The NSHLF APPROVED THE FOLLOWING ACTION:

  VERLIA DAVIS HOGGARD MOVED TO APPROVE THE TREASURER’S REPORT AS SUBMITTED WITH INCLUSION OF ALL APPROPRIATIONS. EVELYN A. CANNESTRA SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

IV. DISCUSSION AND ACTION ON PROPOSED FUNDING FOR THE FORUM

• Ms. Shope answered inquiries regarding the Forum’s budgetary process and noted the Forum’s budget was part of the Legislative Counsel Bureau’s budget. She suggested the Forum recommend expenditures for the next biennium at their next meeting, as well as the policies governing reimbursement. The Forum supported this suggestion.
V. WORK SESSION – DISCUSSION AND ACTION ON RECOMMENDATIONS TO THE LEGISLATIVE COMMISSION AND THE GOVERNOR RELATING TO:

A. BILL DRAFT REQUESTS (BDR) SUBMITTED BY THE LEGISLATIVE COMMISSION’S SUBCOMMITTEE TO STUDY ISSUES RELATING TO SENIOR CITIZENS AND VETERANS (A.C.R. 35)

- Ms. Shope presented an overview of the Summary of the Work Session Document for the Legislative Commission’s Subcommittee to Study Issues Relating to Senior Citizens and Veterans (A.C.R. 35) (Exhibit L). The Forum discussed their recommendations and endorsed the majority of the Subcommittee’s BDRs. (Exhibit M)

- Mr. Erickson explained the individual BDRs as listed in their Summary of the Work Session which consisted of:
  
  BDR 97 (Provides for an ongoing statutory committee to study issues concerning certain adult populations with special needs),
  BDR 98 (Provides for registry of information relating to cases of abuse, neglect, isolation or exploitation of older persons),
  BDR 99 (Makes various changes concerning licensing of residential facilities for groups and homes for individual residential care),
  BDR 100 (Revises provisions governing requirements for licensure by the Bureau of Licensure and Certification), and
  BDR 101 (Makes various changes concerning tax exemptions for service-connected disabled veterans).

- The NSHLF APPROVED THE FOLLOWING ACTION:
  
  ROBERT E. ERICKSON MOVED TO ENDORSE BDR 97. VERLIA DAVIS HOGGARD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

- The NSHLF APPROVED THE FOLLOWING ACTION:
  
  ROBERT E. ERICKSON MOVED TO ENDORSE BDR 98. VERLIA DAVIS HOGGARD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

- The NSHLF APPROVED THE FOLLOWING ACTION:
  
  PRESIDENT PERES MOVED TO ENDORSE BDR 99. EVELYN A. CANNESTRA SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY. THE FORUM RECOMMENDED THE BDR INCLUDE INVESTIGATIONS FOR ALL HOUSEHOLD MEMBERS.
• The NSHLF **DID NOT TAKE ACTION ON BDR 100.**

• The NSHLF **APPROVED THE FOLLOWING ACTION:**

  VERLIA DAVIS HOGGARD MOVED TO ENDORSE BDR 101.
  RICHARD C. DOYLE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

C. **PREVIOUS RECOMMENDATIONS** (Discussed at the July 15, 2008 meeting)

1. **GUARDIANSHIP REFORM**

• John C. Yacenda, Ph.D., Government Relations Specialist, Families United Now, Inc. shared his concerns regarding the contradiction created within the NRS relating to grandparents’ visitation rights and elder abuse. Dr. Yacenda provided the Forum with the proposed BDR language for NRS 125C.050.  ([Exhibit N](#))

• The NSHLF **APPROVED THE FOLLOWING ACTION:**

  ROBERT E. ERICKSON MOVED TO ENDORSE GRANDPARENTS’ RIGHTS. VERLIA DAVIS HOGGARD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

Ruth H. Hart and Mr. Erickson requested members share this information with their Legislators.

2. **PREMIUM TAX ON ANNUITIES**

• Mr. Erickson reviewed the Forum’s previous attempts to eliminate the premium tax on annuities. For this upcoming session, he suggested the Forum should consider another option containing a phased-in reduction tax schedule, starting at 2.5 percent for all policy owners, regardless of age.

  Mr. Stoller agreed with the proposed 2.5 percent tax but suggested additional language addressing the disclosure of the annuity tax provision. He noted that Senator Beers approved the proposed BDR disclosure language; it was subsequently added to the draft. ([Exhibit O](#))

• The NSHLF **APPROVED THE FOLLOWING ACTION:**

  ROBERT E. ERICKSON MOVED TO ENDORSE LEGISLATION THAT REDUCES THE CURRENT PREMIUM TAX ON ANNUITIES BY ONE PERCENT. RICHARD C. DOYLE SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

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VI. STATUS REPORT ON NATIONAL COUNCIL OF SILVER HAired LEGISLATORS 25TH ANNIVERSARY MEETING IN KANSAS CITY, MISSOURI, AUGUST 6-8, 2008

• President Peres, Verlia Davis Hoggard and Mary D. Roberts summarized their attendance at the 25th Anniversary meeting for the National Council of Silver Haired Legislators, in Kansas City, MO. Ms. Davis Hoggard indicated other attendees complimented Nevada on its organization and leadership. She recognized President Peres and Ms. Roberts for their recent appointments to the Council.

VII. STATUS REPORT ON SILVER ALERT – BILL DRAFT REQUEST 148

• President Peres provided a status report on Silver Alert notification system as sponsored by Assemblywoman Womack.

  Harriet Trudell reiterated her support of BDR 148 and offered to speak with her legislators in efforts to obtain a sponsor.

  Mr. Doyle explained the proposed federal legislation provided grants to cover the implementation costs for the notification system. He mentioned that he had written an editorial for the Green Valley Home News and that Joann M. Bongiorno circulated this article to the Legislators. (Exhibit P)

• Dan Roberts, Publisher and Editor, the Vegas Voice newspaper, expressed his support of the Forum’s effort to advance Silver Alert and volunteered to assist the Forum with the campaign to raise awareness.

VIII. STATUS REPORT ON REAPPOINTMENT TO THE NSHLF

• Ms. Shope summarized the statutory language governing NSHLF reappointments as in NRS 427A.330 (Exhibit Q) and mentioned that the Legislative Commission would address the issue at its December 2008 meeting. (Exhibit R)

  Ms. Davis Hoggard and Ms. Trudell acknowledged Ms. Clark’s advocacy for senior issues and suggested the Forum recognize her efforts at its next meeting.

IX. PUBLIC COMMENT

• John Healy, private citizen, raised concerns about the care provided at long-term care facilities and requested inspections be conducted as required by legislation.
• Sylvia Barcus, Citizens for Patient Dignity, Las Vegas, expressed her concerns regarding long-term care facilities and the need to improve patient-nursing ratios. She recommended legislation addressing senior protection at the facilities.

• John C. Yacenda, Ph.D., Campus College Chair, Health and Human Services Academic Affairs, University of Phoenix, expressed the importance of health care providers with gerontology training and noted the University of Phoenix assists health care providers with their educational requirements.

• Gary Brodt, private citizen, inquired about lobbyists and their impact during the legislative session on BDRs.

Answering Mr. Brodt’s concerns, Mr. Erickson shared his previous legislative experiences regarding lobbying practices.

Mr. Doyle indicated lobbying efforts are noticeable throughout the legislative session.

Ms. Trudell advised the Forum that lobbyists are important to the passage of good legislation. She referred to her past experiences when lobbyists assisted legislators by providing research for complex topics.

• Rajka Campagiorni, Citizens for Patient Dignity, Las Vegas, shared her personal experience when her mother received care at a Las Vegas long-term care facility. She requested the Forum recommend legislation that improves the quality of care for residents and their families so the patients receive care with dignity instead of neglect or abuse.

X. DISCUSSION OF FUTURE AGENDA ITEMS AND MEETINGS DATES

• President Peres opened the discussion considering future meeting dates, agenda topics, and speakers. After reviewing the calendar, she selected Wednesday, December 10, 2008 as the next meeting date with discussion addressing the oversight of long-term care facilities and visitation concerns.

• Ms. Shope reminded the Forum of the IRS’ Stimulus Payment application deadline of Wednesday, October 15, 2008. (Exhibit S)

• Ms. Shope informed the Forum of the recent change to Nevada’s Medicaid Personal Care Services program; whereas bathing, grooming and dressing are combined into one all-inclusive service and the maximum allowable time was established at 60 minutes per day. (Exhibit T)
Ms. Shope stated AARP Nevada testified at the Division of Health Care Financing and Policy, Public Hearing on August 26, 2008. Ms. Shope referred to AARP Nevada’s comments regarding the removal of ocular services for glasses and frames for adults 21 and over. (Exhibit U)
ADJOURNMENT

There being no further business to come before the Forum, the meeting was adjourned at 1:14 p.m.

Respectfully submitted,

____________________________________
Mary Shope, Coordinator
Nevada Silver Haired Legislative Forum

APPROVED BY:

___________________________________ Date: _______________________________
Lucy Peres, President
Nevada Silver Haired Legislative Forum

APPROVED BY:

___________________________________ Date: _______________________________
Harriet Trudell, Secretary
Nevada Silver Haired Legislative Forum
LIST OF EXHIBITS

**Exhibit A** is the “Revised Meeting Notice and Agenda” for September 15, 2008, provided by Mary Shope, Coordinator, Nevada Silver Haired Legislative Forum (NSHLF), Administrative Division, Legislative Counsel Bureau (LCB).

**Exhibit B** is the biography of Lieutenant Governor, Brian K. Krolicki, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

**Exhibit C** is the document titled “Tobacco Master Settlement Agreement (MSA) Securitization, Background Information and Potential Opportunities, State of Nevada”, Prepared by the Office of the Lt. Governor, June 5, 2008, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

**Exhibit D** is the document titled “Attorney General’s Tobacco Unit, The Tobacco Master Settlement Agreement (MSA)”, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

**Exhibit E** are the documents from the Nevada Department of Health and Human Services website, titled “Grants Management Unit, The Fund for a Healthy Nevada Grants Administration” and “Grants Management Unit, Grants Management Unit (GMU)”, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

**Exhibit F** are the documents titled “Krolicki’s Tobacco Money Plan Won’t Solve State Budget Woes”, “Information on How this Effects DAS”, the letter dated June 18, 2008, authored by Kate Marshall, State Treasurer, and the memorandum dated June 10, 2008, authored by Merrill Lynch representatives, provided by Janice R. Ayers, Executive Director and CEO, Nevada Rural Counties Retired and Senior Volunteer Program, Inc.

**Exhibit G** is the letter dated September 15, 2008, provided by Angie Pratt, Director, Alzheimer’s Association, Northern Nevada and Northern California.

**Exhibit H** are the documents titled “Seniors Services Funded by the Tobacco Master Settlement Agreement”, “Independent Living Grants – Senior and Disability Rx Affects on Nevadans and Local Communities”, “Media Release - Selling Off Tobacco Settlement Money Short-sighted”, and the letter dated June 19, 2008, authored by Barry Gold, provided by Barry Gold, Director of Government Relations and Advocacy, Nevada AARP.

**Exhibit I** is the document titled “Legislative Counsel Bureau, Sources/Uses of Funds + Encumbrances, Fiscal year thru period ending 06/30/2008” provided by Robert E. Erickson, Treasurer, NSHLF.
Exhibit J is the document titled “Legislative Counsel Bureau, Sources/Uses of Funds + Encumbrances, Fiscal year thru period ending 07/31/2008” provided by Robert E. Erickson, Treasurer, NSHLF.

Exhibit K is the document titled “Legislative Counsel Bureau, Sources/Uses of Funds + Encumbrances, Fiscal year thru period ending 08/31/2008” provided by Robert E. Erickson, Treasurer, NSHLF.

Exhibit L is the document titled “Summary of Recommendations”, authored by the Legislative Commission’s Subcommittee to Study Issues Relating To Senior Citizens and Veterans (A.C.R. 35), provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

Exhibit M is the “Nevada Legislature BDR List of the 75th Session (2009), . . . BDRs 97 – 101, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

Exhibit N are the documents titled “Legislative Agenda, 75th Session of the Nevada Legislature, Families United Now, Inc.” and the pamphlet “Families United Now, Inc., Grandparents, Parents, Step-parents, and Children”, provided by John C. Yacenda, Ph.D., Families United Now, Inc.

Exhibit O is the BDR proposed language addressing annuities, provided by Robert E. Erickson and Ronald E. Stoller, NSHLF.

Exhibit P is the document titled “A Citizen’s View: Silver Alert program could save seniors’ lives,” Green Valley Home News, August 7 - 13, 2008, provided by Richard C. Doyle, NSHLF.

Exhibit Q is NRS 427A.320 – 427A.380 and 2007 Statutes of Nevada, Page 3308, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

Exhibit R is the table listing the reappointments to the NSHLF, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

Exhibit S is the document titled “Internal Revenue Service, Stimulus Payments - It’s Not Too Late”, provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.

Exhibit T is the draft letter from the Division of Health Care Financing and Policy regarding Nevada’s Medicaid Personal Care Services (PCS), provided by Mary Shope, Coordinator, NSHLF, Administrative Division, LCB.
Exhibit U is the document titled “AARP Nevada Comments, Division of Health Care Financing and Policy, Public Hearing August 26, 2008, Amendments to MSM Chapter 1100 – Ocular Services,” provided by Barry Gold, Director of Government Relations and Advocacy, Nevada AARP.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.