

# NEVADA SILVER HAired LEGISLATIVE FORUM

*Nevada Revised Statutes*  
427A.320 through 427A.400



## SUMMARY REPORT TO THE LEGISLATIVE COMMISSION AND THE GOVERNOR

December 2008

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**SUMMARY REPORT OF THE  
NEVADA SILVER HAired LEGISLATIVE FORUM  
TO THE LEGISLATIVE COMMISSION  
AND GOVERNOR JIM GIBBONS**

**I. INTRODUCTION**

The Nevada State Legislature created the Nevada Silver Haired Legislative Forum (NSHLF) in 1997 (Chapter 560, *Statutes of Nevada 1997*) to identify and make recommendations on issues of importance to aging persons. State law, as amended (Chapter 588, *Statutes of Nevada 2001*, Chapter 120, *Statutes of Nevada 2003*, and Chapter 134, *Statutes of Nevada 2005*), authorizes the NSHLF to submit a report containing recommendations for legislative action to the Legislative Commission and the Governor in each even-numbered year. The appendix contains the statutory provisions governing the operation of the NSHLF, which are codified in Chapter 427A of *Nevada Revised Statutes* (NRS).

As of December 2008, the Forum had a total of 17 active members, along with the five members of Nevada's Delegation to the National Silver Haired Congress (NSHC) who serve as ex officio members of the NSHLF, pursuant to NRS 427A.350. Primary staff support to the Forum is provided by the Administrative Division, Las Vegas Office of the Legislative Counsel Bureau (LCB).

Following is a list of members appointed to the Forum by the Legislative Commission:

**FORUM MEMBERS**

Mary D. Roberts	Clark County Senatorial District 1
Alice Adams	Clark County Senatorial District 2
Clo Banks	Clark County Senatorial District 3
Verlia Davis Hoggard	Clark County Senatorial District 4
Joann M. Bongiorno	Clark County Senatorial District 5
Herbert E. Randall, Ed.D., Vice President	Clark County Senatorial District 5
Ronald E. Stoller	Clark County Senatorial District 6
Harriet Trudell, Secretary	Clark County Senatorial District 7
Evelyn A. Cannestra, M.S.W.	Clark County Senatorial District 8
Richard C. Doyle	Clark County Senatorial District 9
Thelma Clark	Clark County Senatorial District 10
Rick A. Stanfill	Clark County Senatorial District 11
Mimi Rodden	Clark County Senatorial District 12
Margaret Spooner	Central Nevada Senatorial District
Ray B. Jones	Northern Nevada Senatorial District
Ruth H. Hart	Washoe County Senatorial District 3
Jane Maxfield	Washoe County Senatorial District 4

## **NATIONAL SILVER HAired CONGRESS (NSHLF Ex Officio Members)**

Lucy Peres, President	Silver Senator
Herbert W. Perry, CPA/EA	Silver Senator
Sydelle MacKay	Silver Representative, District 1
Robert E. Erickson, Treasurer	Silver Representative, District 2
Darlene B. Hines Perry	Silver Representative, District 3
Ruth H. Hart	Alternate

## **LEGISLATIVE COUNSEL BUREAU STAFF**

Administrative Division:  
Mary Shope, Coordinator, NSHLF

Legal Division:  
Matthew S. Nichols, Principal Deputy Legislative Counsel  
Kimberly Marsh Guinasso, Senior Principal Deputy Legislative Counsel

## **II. SUMMARY OF RECOMMENDATIONS**

This Summary Report presents the recommendations approved by the NSHLF at its July 15, 2008, September 15, 2008 and December 10, 2008 meetings. The Forum submits these recommendations to the Legislative Commission and to Governor Jim Gibbons for consideration during the 75<sup>th</sup> Session of the Nevada Legislature.

The Forum's recommendations are based upon:

1. Testimony received from experts on issues of importance to Nevada's senior citizens;
2. Testimony presented to the Forum at its public meetings;
3. A review of written information and comments provided to members of the Forum from representatives of government agencies; educational and non-profit organizations; advocates for senior citizens; and the public; and
4. The experience, knowledge, and research of the members of the Forum.

### **Recommendation No. 1      Funding for Forum Operations**

In prior fiscal years, the Forum made formal requests to the Legislative Commission for funding its operations or use of solicited donations. Due to the revised budgetary process, the Forum's funding now is contained within the Legislative Counsel Bureau's budget for the next biennium. Therefore, the Forum will review the budgetary requirements and reimbursement policies at its December 10, 2008, meeting and make recommendations to the Director of the Legislative Counsel Bureau.

### **Recommendation No. 2      Silver Alert Notification System — Assembly Bill No. 4**

The Forum supports the adoption of Assembly Bill No. 4, sponsored by Assemblywoman Kathy McClain, creating a Statewide Alert System for the safe return of missing older persons.

### **Recommendation No. 3      Reduction of the Premium Tax on Certain Annuities**

The Forum supports the adoption of legislation that reduces Nevada's premium tax on non-qualified annuities to 2.5 percent.

The Forum supports the current efforts to introduce legislation (BDR 544) that reduces Nevada's premium tax on non-qualified annuities by one percent. The premium tax would be 2.5 percent; still one of the highest tax rates in the country. Also, the Forum suggested proposed language that encourages full disclosure to prospective applicants of the premium tax status on annuities.

**Recommendation No. 4      Endorsement of Assembly Bill No. 9 — Statutory Committee**

The Forum supports the adoption of Assembly Bill No. 9, sponsored by The Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans (ACR 35), that provides for an ongoing statutory committee to study issues concerning senior citizens, veterans and adults with special needs.

**Recommendation No. 5      Endorsement of Assembly Bill No. 8 — Central Registry**

The Forum supports the adoption of Assembly Bill No. 8 (BDR 98), sponsored by the ACR 35 Subcommittee, that provides for the statewide central registry for the collection of information relating to cases of abuse neglect, isolation or exploitation of older persons.

**Recommendation No. 6      Endorsement of Bill Draft Request 99 — Licensing**

The Forum supports the introduction and adoption of BDR 99, sponsored by the ACR 35 Subcommittee, that would make various changes concerning licensing of residential facilities for groups and homes for individual residential care. The Forum supports background checks for staff members.

**Recommendation No. 7      Endorsement of Bill Draft Request 101 — Disabled Veterans**

The Forum supports the introduction and adoption of BDR 101, sponsored by the ACR 35 Subcommittee, that would make various changes concerning tax exemptions for service-connected disabled veterans.

**Recommendation No. 8      Endorsement of Independent Living Grants Funding**

The Forum supports funding for Nevada Department of Health and Human Services, Division for Aging Services, Independent Living Grants (ILG). The ILG provide seniors with resources which enable them to remain in their homes, instead of being institutionalized. In efforts to maintain appropriate ILG funding, the Forum opposes any proposal for the securitization of the tobacco master settlement agreement.

**Recommendation No. 9      Support of Grandparents' Visitation Rights**

The Forum supports grandparents' visitation rights, in the best interest of the senior and child.

**Recommendation No. 10      Support of Guardianship Reform**

The Forum recommends additional guardianship research in efforts to enhance protections for compromised persons. The Forum encourages the standing senior citizen committee to address guardianships, private and public.

## **Recommendation No. 11    Support of Medicare Federal Funding**

The Forum recommends the Nevada Legislature adopt a Resolution that supports the maintenance of federal funding for Medicare. The Forum requests the Resolution be sent to President-Elect Barrack Obama and to Nevada's Congressional Leaders. Senate Majority Leader Horsford agreed to advance this recommendation during the upcoming session.

## **Recommendation No. 12    Approval of Resolutions by the National Silver Haired Congress (NSHC)**

The Forum supports implementation of the 2008 Top Five Resolutions of the NSHC and the Nevada Delegation's resolution:

Resolution 1: The NSHC urges the United States Congress to enact legislation with strict enforcement provisions, to create a National Background Check and Registry of all employees of health care facilities, including home health agencies and residential care facilities.

Resolution 2: The NSHC urges the United States Congress to mandate that all tax supported schools require geriatric training for all students preparing for health careers.

Resolution 3: The NSHC urges the United States Congress and the President of the United States to develop a fiscal year 2009 budget that will fully fund the Older Americans Act, Title II.

Resolution 4: The NSHC urges the United States Congress to initiate and pass elder justice legislation that would prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation.

Resolution 5: The NSHC urges the 111<sup>th</sup> United States Congress to establish a Silver Alert notification system for missing vulnerable senior citizens, similar to Amber Alert for children in the PROTECT Act of 2003, so that law enforcement, news media, and the general public may be promptly notified and timely search and rescue may be undertaken when a vulnerable, disoriented elder person is discovered missing.

Nevada Delegation's Resolution: The NSHC urges the United States Congress to restore full Social Security benefits by repealing government pension offset and windfall elimination provisions.

NOTE: The Forum is not allocated any Bill Draft Requests (BDRs). For any of the Forum's recommendations to be implemented, an individual legislator, a standing committee of the Legislature, the Legislative Commission, a state or local government agency, or another authorized entity must request a BDR. Anyone interested in any of the recommendations or who needs more information on any of the topics should contact Mary Shope, Coordinator of NSHLF, at 702/486-3966.

### **III. SUMMARY OF MEETINGS**

The NSHLF held 9 public meetings in the 2007 – 2008 Interim. The meetings primarily were held in Las Vegas and videoconferenced to Carson City and Elko, with the exception of the January 22, 2008, meeting in Las Vegas. During the course of its work, the NSHLF considered testimony from members of the public, nonprofit organizations, private corporations, and public agencies.

At its first meeting, June 13, 2007, the Forum received a presentation from William S. Tullock, Crime Prevention Specialist, Las Vegas Metropolitan Police Department, on crime prevention. Mr. Tullock's advice included to expect the unexpected, improve strengths and reduce weaknesses, practice safety in numbers, engage in eye contact, speak in loud voices, and develop an awareness of the surroundings.

At its second meeting, September 18, 2007, the Forum heard testimony by Dr. John Yacenda, President and CEO, Health Care Strategies, Inc. and Government Relations Consultant, Families United Now, Inc., on the importance of grandparents in the lives of children and the need for visitation rights for grandparents. Dr. Yacenda emphasized the contributions that grandparents made to their families and supported efforts to strengthen families.

At its third meeting, November 07, 2007, the Forum received an overview of the 2007 report entitled "Elders Count Nevada: Key Health Indicators for Nevada's Elders" by Lawrence J. Weiss, Ph.D., Director, and Teresa M. Sacks, M.P.H., of Sanford Center for Aging. In efforts to prepare policymakers for the country's rapidly growing older demographic, Dr. Weiss made the following recommendations: 1) continue *Elders Count Nevada* research, 2) generate and support existing geriatric and gerontology programs, 3) expand senior mental health services, 4) increase the number of elders who receive annual medication reviews, and 5) improve education for health programs including senior self-management programs.

The NSHLF held its fourth meeting, January 22, 2008, solely in Las Vegas with the Northern Nevada members in attendance. The Forum used this opportunity to strengthen the communication and interactions between its members when they held break-out sessions to consider recommendations for the 75<sup>th</sup> Legislative Session.

The Nevada Delegation of the NSHC traveled to Alexandria, Virginia for their 11<sup>th</sup> Annual Legislative Session, February 7 – 12, 2008. At this meeting, the NSHC elected officers for 2008 – 2010 which included Herbert W. Perry as First Vice Chairperson, Lucy Peres, as Regional Director of Region IX, and Robert E. Erickson, member of the Resolution Committee. The NSHC's 2008 Top Five Resolutions and Nevada's Resolution are listed in the Summary of Recommendations.

At its fifth meeting, March 12, 2008, the Forum members received a presentation from Speaker Barbara E. Buckley regarding the legislative process and the rewards from participation. She encouraged the Forum members to continue their advocacy with the seniors of the State. Speaker Buckley provided an overview of the 2007 Legislative Session with highlights on health care quality, consumer protection with the consumers' right to know, and fair debt collection lending practices. She requested the Forum's assistance in the next Legislative session and concluded by stating people can make a difference through their ideas, support, and advocacy and she looks forward to working together.

At its sixth meeting, May 13, 2008, the Forum learned about home equity conversion mortgages (HECM), more commonly known as "reverse mortgages", from Stephanie Prather, Reverse Mortgage Planner. Ms. Prather shared common myths associated with HECM, but stated this financial option can be valuable to many seniors, depending on the situation.

Additionally, the Forum made a formal recommendation for the Silver Alert notification system to the Legislative Commission's Subcommittee to Study Issues Relating to Senior Citizens and Veterans (ACR 35).

At its seventh meeting, July 15, 2008, the Forum received a review of Senate Bill No. 12 (2007) relating to Nevada's premium tax on annuities and the budget process involving this revenue source from Russell Guindon, Senior Fiscal Analyst, Fiscal Division, LCB.

The Forum also heard testimony from Francis Mahoney, Founder, Nevada Center for Missing Loved Ones on Project Jason. Mr. Mahoney supported an enhanced reporting provision for missing loved ones and strongly backed the Forum's recommendation for Silver Alert.

The Forum conducted a Work Session during the July 15, 2008, meeting, and approved recommendations for the next Legislative Session.

President Peres, Mary D. Roberts, and Verlia Davis Hoggard attended the National Council of Silver Haired Legislators' 25<sup>th</sup> Anniversary meeting, in Kansas City, Missouri, August 6 - 9, 2008. The Forum members shared their experiences and received recognition for the Forum's advocacy.

At its eighth meeting, September 15, 2008, the Forum invited Lieutenant Governor Brian K. Krolicki to discuss the Master Tobacco Settlement Agreement (MSA) securitization proposal. He indicated the proposal started with the efforts to address the budget shortfalls. Several advocates respectfully testified in opposition to this plan.

Additionally, Dr. John C. Yacenda, Government Relations Specialist, Families United Now, Inc. provided further supporting arguments for grandparents' visitation rights.

President Peres, Ms. Roberts, and Ms. Davis Hoggard attended the National Council of Silver Haired Legislators' 25<sup>th</sup> Anniversary meeting, in Kansas City, Missouri in August, 2008. The Forum members shared their experiences and received recognition for the Forum's advocacy.

At its ninth meeting, December 10, 2008, the Forum recognized Ms. Thelma Clark's contributions, dedication, and commitment to the citizens of Nevada.

Senate Majority Leader Steven A. Horsford provided an overview of the 25<sup>th</sup> Special Session and the upcoming legislative session. He shared his commitment to place Nevadans first and work in a bipartisan manner to resolve the many challenges.

Additionally, the Forum heard testimony on long-term care issues and concerns provided by Marla McDade Williams, MPA, Bureau of Health Care Quality and Compliance, Margaret A. McConnell, RN, MA, Board of Examiners for Long Term Care Administrators, Teresa L. Stricker, LASW, State Long Term Care Ombudsman, and Charles Perry, Nevada Health Care Association. In response to recurring public testimony highlighting patient abuse and neglect in long term care facilities, the Forum created a subcommittee to research these concerns.

During the Forum's meetings, the public provided testimony on concerns which included the lack of senior resources in Las Vegas, integrity of governmental agencies, consumers' pharmaceutical web site delay, hepatitis C oversight, retirement benefits and the repeal of the Governmental Pension Offset Law of 1983, mortgage lending practices, environmental protections for Tule Springs Wash, elder abuse associated with long-term care facilities, and driving privileges restricted by age discrimination.

## **XI. ACKNOWLEDGEMENTS AND CONCLUSION**

Members of the Forum would like to thank everyone who provided testimony and shared their recommendations for improving the lives of Nevada's senior population. Special appreciation is extended to all Legislators for their interest in the activities of the Forum and their continued support.

Additional information about Forum meetings — including agendas, minutes, and informational exhibits — is available on the Forum's web page at <http://www.leg.state.nv.us/74th/Interim/NonLeg/Silver/>

## **XII. APPENDIX**

### **STATUTORY AUTHORIZATION FOR THE NEVADA SILVER HAIRED LEGISLATIVE FORUM**

*Nevada Revised Statutes 427A.320 – 427A.400*

#### **NRS 427A.320 Creation.**

The Nevada Silver Haired Legislative Forum is hereby created to identify and act upon issues of importance to aging persons.

(Added to NRS by 1997, 2724; A 2001, 3026)

#### **NRS 427A.330 Nomination, appointment and terms of members.**

1. The Legislative Commission shall appoint to the Nevada Silver Haired Legislative Forum a number of members equal to the number of State Senators. The persons appointed to the forum must be the persons nominated pursuant to this section. Each member of the Senate shall, after consulting with the members of the Assembly who reside within his senatorial district, nominate a person who meets the requirements for appointment to the Forum set forth in NRS 427A.340.

2. Appointments to the Nevada Silver Haired Legislative Forum must be made by the Legislative Commission before December 31 of the second year of a member's term. After the initial terms, each member of the Forum serves a term of 2 years. Each member of the Forum continues to serve until his successor is appointed.

(Added to NRS by 1997, 2724; A 2001, 3026; 2007, 3308)

#### **REVISOR'S NOTE.**

Ch. 532, Stats. 2007, which amended this section to revise the date for appointment of members to the Forum, contains the following provisions not included in NRS:

“On or before December 31, 2007, or as soon thereafter as practicable, the Legislative Commission shall appoint new members of the Nevada Silver Haired Legislative Forum pursuant to NRS 427A.330, as amended by section 7 of this act. The Legislative Commission shall appoint to terms ending on:

1. December 31, 2008, members nominated by Senators representing Clark County Senatorial Districts 1, 5, 9, 10 and 12, Washoe County Senatorial Districts 1 and 4, the Central Nevada Senatorial District and the Rural Nevada Senatorial District.

2. December 31, 2009, members nominated by Senators representing Clark County Senatorial Districts 2, 3, 4, 6, 7, 8 and 11, Washoe county Senatorial Districts 2 and 3, and the Capital Senatorial District.

The terms of the members of the Nevada Silver Haired Legislative Forum as of the effective date of this act [June 14, 2007] continue until their successors are appointed pursuant to this section. A member may be reappointed.”

**NRS 427A.340 Qualifications of members.**

A member of the Nevada Silver Haired Legislative Forum must:

1. Have been a resident of this state for 5 years immediately preceding his appointment;
2. Have been a registered voter in the senatorial district of the Senator who nominated him for 3 years immediately preceding his appointment; and
3. Be at least 60 years of age on the day that he is appointed.

(Added to NRS by 1997, 2724; A 2001, 3027)

**NRS 427A.350 Ex officio membership of National Silver Haired Congress.**

Members of the National Silver Haired Congress from this state shall serve as ex officio members of the Nevada Silver Haired Legislative Forum. If a member of the National Silver Haired Congress ceases to be a member of the National Silver Haired Congress, the ex officio membership of that person in the Nevada Silver Haired Legislative Forum terminates. An ex officio member of the Nevada Silver Haired Legislative Forum has the same rights and responsibilities as the members who are appointed.

(Added to NRS by 1997, 2724)

**NRS 427A.360 Vacancies in membership.**

1. A position in the Nevada Silver Haired Legislative Forum becomes vacant upon:
  - (a) The death or resignation of a member.
  - (b) The illness of a member that prevents him from attending three consecutive meetings of the Nevada Silver Haired Legislative Forum, unless excused by the President.
  - (c) The absence of a member for any reason from three consecutive meetings of the Nevada Silver Haired Legislative Forum, unless excused by the President.
2. If a vacancy occurs, the Legislative Commission shall appoint a person to serve the remainder of the unexpired term. The Legislative Commission may appoint a person whose membership in the National Silver Haired Congress has ended to fill a vacancy in the Nevada Silver Haired Legislative Forum.
3. As used in this section, "President" means the person elected to serve as President of the Nevada Silver Haired Legislative Forum pursuant to NRS 427A.370.

(Added to NRS by 1997, 2725; A 2001, 3027; 2005, 460)

**NRS 427A.370 Election, terms and duties of officers; assistance from Legislative Counsel Bureau.**

1. The Nevada Silver Haired Legislative Forum shall elect from among its members, to serve a term of 1 year beginning on July 1 of each year:
  - (a) A President, who shall conduct meetings and oversee the formation of committees as necessary to accomplish the purposes of the Nevada Silver Haired Legislative Forum.
  - (b) A Vice President, who shall assist the President and conduct meetings of the Nevada Silver Haired Legislative Forum if the President is absent or otherwise unable to perform his duties.

(c) A Secretary, who shall:

(1) Prepare and keep a record of meetings, including, without limitation, the date, time, place and purpose of every meeting; and

(2) At the first meeting of the Nevada Silver Haired Legislative Forum on or after July 1 of each year, prepare a list of the dates of the meetings that are scheduled for the year.

(d) A Treasurer, who shall, with the assistance of the Director of the Legislative Counsel Bureau, administer any account established pursuant to NRS 427A.395.

2. The Director of the Legislative Counsel Bureau shall provide such persons as are necessary to assist the Nevada Silver Haired Legislative Forum in carrying out its duties.

(Added to NRS by 1997, 2725; A 2001, 3027; 2005, 460)

**NRS 427A.380 Public hearings; meetings; formation of committees; compliance with Open Meeting Law.**

1. The Nevada Silver Haired Legislative Forum may, within the limits of legislative appropriations and any gifts, grants or donations received by the Forum:

(a) During the period in which the Legislature is not in a regular session, hold three or more public hearings in this State.

(b) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Forum.

(c) Form committees, which may meet as often as necessary to conduct the business of the Forum.

2. The Nevada Silver Haired Legislative Forum and its committees shall comply with the provisions of chapter 241 of NRS.

(Added to NRS by 1997, 2725; A 2001, 3028; 2003, 647; 2005, 461)

**NRS 427A.390 Powers.**

The Nevada Silver Haired Legislative Forum may:

1. Submit a report containing recommendations for legislative action to the Legislative Commission and the Governor before September 1 of each even-numbered year.

2. Accept gifts, grants and donations that must be deposited in an account established pursuant to NRS 427A.395.

3. Adopt procedures to conduct meetings of the Nevada Silver Haired Legislative Forum and committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Nevada Silver Haired Legislative Forum who are present and voting.

(Added to NRS by 1997, 2725; A 2001, 3028; 2005, 461)

**NRS 427A.395 Duties concerning money received and expenses incurred.**

1. All money received by the Nevada Silver Haired Legislative Forum must be deposited in a bank, credit union or other financial institution in this state and paid out on its order for its expenses.

2. All expenses incurred by the Nevada Silver Haired Legislative Forum in carrying out the provisions of NRS 427A.320 to 427A.400, inclusive, must be paid from an account established pursuant to subsection 1.

(Added to NRS by 2001, 3026)

**NRS 427A.400 Compensation of members.**

Within the limits of legislative appropriations, and any gifts, grants and donations, each member of the Nevada Silver Haired Legislative Forum is entitled to receive for attendance at a meeting of the Nevada Silver Haired Legislative Forum or a committee thereof the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 1997, 2726; A 2001, 3028)