

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Seventh Session
March 5, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 8:02 a.m. on Tuesday, March 5, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Mark A. Manendo, Vice Chair
Senator Kelvin Atkinson
Senator Barbara K. Cegavske
Senator James A. Settelmeyer

STAFF MEMBERS PRESENT:

Carol M. Stonefield, Policy Analyst
Melissa Mundy, Counsel
Mary Moak, Committee Secretary

OTHERS PRESENT:

Herbert E. Randall, Ed.D., President, Nevada Silver Haired Legislative Forum
Mary D. Roberts
Joann M. Bongiorno, Treasurer, Nevada Silver Haired Legislative Forum
La Lonnie Strait, National Silver Haired Congress; Nevada Silver Haired
Legislative Forum
Bruce Arkell, Nevada Senior Advocates
Rick Kuhlmeier, Nevada Silver Haired Legislative Forum
John C. Yacenda, Ph.D., Nevada Silver Haired Legislative Forum
Clare Tobler, Vice President, National Silver Haired Congress; Nevada Silver
Haired Legislative Forum

Chair Spearman:

I would like to open the hearing on Senate Bill (S.B.) 178 being presented by Senator Manendo.

SENATE BILL 178: Authorizes the Nevada Silver Haired Legislative Forum to request the drafting of not more than one legislative measure for each regular session of the Legislature. (BDR 17-924)

Senator Mark A. Manendo (Senatorial District No. 21):

During a conversation with Paul LaCombe, my selection to represent Senate District No. 21 on the Silver Haired Legislative Forum, and Mary Shope, the Coordinator for the Nevada Silver Haired Legislative Forum, we discussed our selections for the Nevada Youth Legislature, the ideas and bill drafts which they had presented to the Legislature over the years. It occurred to me that the Nevada Silver Haired Legislative Forum, whose members have a wealth of knowledge on the issues which affect seniors and represent many of our constituents, should also have this ability.

Senate Bill 178 will allow the Nevada Silver Haired Legislative Forum to present one bill draft request, bringing one idea each session to solve a problem affecting seniors and participating at another level in the legislative process.

Herbert E. Randall, Ed.D. (President, Nevada Silver Haired Legislative Forum):

I am here to testify in favor of S.B. 178, which authorizes the Nevada Silver Haired Legislative Forum to request a drafting of a legislative measure for each regular session of the Legislature.

The Nevada Silver Haired Legislative Forum was created by the State Legislature in 1997. The purpose of the Forum is to identify and make recommendations on issues of importance to aging persons. The Forum submits a report containing recommendations for legislative actions to the Legislative Commission and the Governor in each even-numbered year. Senate Bill 178 will not change our job, but it will make our job easier.

Senator Cegavske:

What are some of the issues you would like to present before the Legislature?

Dr. Randall:

I will provide you a copy of our 2012 Summary Report to the Legislative Commission and the Governor. One of the recommendations involves Assemblyman James Healey's bill, Assembly Bill (A.B.) 173, which requests that energy rates not be based on time-of-day usage because many seniors are home during the day.

ASSEMBLY BILL 173: Revises provisions governing rates which may be charged by certain electric utilities. (BDR 58-966)

Members of the National Silvered Haired Congress tried for several years without success to get the Silver Alert bill passed. With the help of Senator David R. Parks, S.B. No. 245 of the 76th Session—a Statewide Alert System for the Safe Return of Missing Endangered Older Persons—was enacted in the 2011 Session.

Senator Cegavske:

Please continue to contact your Senators and Assembly representatives, even if you have only the one bill draft request. Many pieces of legislation will be coming through, and we appreciate the citizens telling us how they feel about the issues.

Senator Settelmeyer:

Would this bill apply to the special sessions the Legislature may convene that the voters approved—State Question No. 1 in the 2012 general election—or just to our regular sessions?

Senator Manendo:

The Silver Haired Legislative Forum would be allowed one bill draft request, which the members will submit prior to the beginning of a regular Legislative Session. If it is not prefiled, then they lose the opportunity to submit a request for that Legislative Session.

Senator Settelmeyer:

I appreciate the bill and concept. I think the Silver Haired Legislative Forum will propose ideas that will have a higher likelihood of passing.

Do you know how many issues brought forth by the Nevada Youth Legislature have been enacted into law?

Senator Manendo:

I do not know, possibly one last Session. The members of the Silver Haired Legislative Forum have such a wide variety of experience, and most are advocates in our communities and active with other senior groups. They bring knowledge back to the Silver Haired Forum, then make recommendations to the Legislature. I agree with you, the Forum will have a better ratio of passed legislation.

Mary D. Roberts:

I am in support of S.B. 178. We are avid in assisting seniors. My concern is the abuse of seniors in nursing homes.

Joann M. Bongiorno (Treasurer, Nevada Silver Haired Legislative Forum):

I am an advocate against senior abuse. We would like to see better monitoring of senior care facilities. I have a concern for the quality of the background investigations of health care workers. We need to ensure that in-depth, multistate background checks are completed to help prevent senior abuse.

La Lonnie Strait (National Silver Haired Congress; Nevada Silver Haired Legislative Forum):

I am an advocate for seniors and belong to several community groups. A number of our concerns are home- and community-based services which would allow seniors to receive care in their homes; the passage of A.B. 173; the passage of the National Silver Alert Act; the Affordable Care Act; consumer protection laws for seniors; and aid with senior employment challenges.

Bruce Arkell (Nevada Senior Advocates):

The Nevada Silver Haired Legislative Forum supports most of the issues the Nevada Senior Advocates are involved with. It has been an excellent collaboration, and we urge the passage of this bill.

Rick Kuhlmeier (Nevada Silver Haired Legislative Forum):

We appreciate you putting forth S.B. 178. We thank you for your trust in us as we strive to enhance the lives of senior citizens in Nevada. We ask that you do pass this bill.

John C. Yacenda, Ph.D. (Nevada Silver Haired Legislative Forum):

I have provided a copy of my testimony for the Committee ([Exhibit C](#)). I am in support of S.B. 178.

The Silver Haired Legislative Forum is a body of people who have lived awhile. We come with a passion for senior issues, people who often feel helpless—literally and figuratively—because they have no one to speak for them. The passage of this bill into law will give us an opportunity to get serious about issues which need addressing.

Manufactured and mobile home sales and parks comprise an area in which many seniors are exploited and intimidated with unscrupulous sales tactics by licensed salespersons. Manufactured home parks are considered private property; therefore, laws do not offer the same kind of protection as real estate. We would like to work to create policies and administrative codes to address this issue.

Assisted living facilities are woefully understaffed. There is not an easy answer since many are privately owned.

Private day care centers may subject seniors to financial and material exploitation.

Skilled nursing facilities that operate 24 hours a day, 7 days a week may inappropriately expose seniors to isolation, often for expediency. The importance of social and family interaction should be stressed but is often ignored.

Finally, there is a need to mete out punishment to fit the crime of abuse against seniors.

Senate Bill 178 will raise the level of opportunity to bring a strong statement forward about senior needs—not from a recommendation or a report—but from the people who are working in the field. My dream is to create an omnibus-type bill to address several of the issues concerning seniors.

Senator Cegavske:

Are fees assessed by homeowners' associations (HOA) a concern for seniors with limited incomes?

Dr. Yacenda:

This is an issue we have not discussed as a group. The HOAs move at the will of the association, which may be a younger and more contemporary group.

Older members of the association often do not have the resources or meet the needs of the association. Association dues go up frequently. It is another area that takes unfair advantage of seniors and those of any age on a limited income.

Senator Cegavske:

Many seniors have their properties paid for and are living on fixed incomes. They assume they will stay put. Have you been able to address fees and those types of things that can create difficulties? The Legislature needs to look at and talk about such issues.

Dr. Yacenda:

These HOA fees apply to residents of residential communities, stick-built homes, mobile homes and mobile home parks. It is sad to see someone who owns his or her home under a homeowner's association that has the authority to levy against the property. It is disgraceful that our society would let that happen.

Clare Tobler (Vice President, National Silver Haired Congress):

I recommend S.B. 178 and agree with all that has been said. I hope you will continue to work with us.

Chair Spearman:

My grandmother retired when she was 92 because people thought she was 65. She taught school up until that time; at the time of her death, she was working on a Ph.D. in nutrition. I appreciate your willingness to continue to serve. Some call you senior citizens, but I call you seasoned citizens because you have a wealth of untapped knowledge.

SENATOR SETTELMAYER MOVED TO DO PASS S.B. 178.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Senate Committee on Legislative Operations and Elections
March 5, 2013
Page 7

Chair Spearman:

The business before us today has been completed. We are adjourned at 8:35 a.m.

RESPECTFULLY SUBMITTED:

Mary Moak,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	2		Attendance Roster
S.B. 178	C	1	John C. Yacenda	Prepared Testimony