

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

**Seventy-ninth Session
February 22, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 3:47 p.m. on Wednesday, February 22, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Nicole J. Cannizzaro, Chair
Senator Tick Segerblom, Vice Chair
Senator Kelvin Atkinson
Senator James A. Settelmeyer
Senator Heidi S. Gansert

GUEST LEGISLATORS PRESENT:

Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Brenda Erdoes, Legislative Counsel
Janae Johnson, Committee Secretary

OTHERS PRESENT:

Jeffery Klein, Nevada Commission on Aging; President, Nevada Senior Services
John Yacenda, President, Nevada Silver Haired Legislative Forum
Connie McMullen
Helen Foley, Nevada Assisted Living Association
Barry Gold, AARP Nevada
Susan Rhodes
Marlene Lockard, Retired Public Employees of Nevada
Jacob Harmon, Regional Director, Northern Nevada, Alzheimer's Association

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Mary Liveratti, AARP
Homa Woodrum, Chief Advocacy Attorney, Aging and Disability Services
Division, Department of Health and Human Services
Trey Delap, Director, Group Six Partners

CHAIR CANNIZZARO:

The bill on the work session today is Senate Joint Resolution (S.J.R.) 2.

SENATE JOINT RESOLUTION 2: Ratifies the Equal Rights Amendment to the Constitution of the United States. (BDR R-13)

MICHAEL STEWART (Policy Analyst):

Senate Joint Resolution 2 ratifies the Equal Rights Amendment to the Nevada Constitution. I have submitted the work session document ([Exhibit C](#)).

CHAIR CANNIZZARO:

This resolution does appear to have a lot of passion.

SENATOR GANSERT:

This is truly a passionate issue. A survey of *Nevada Revised Statutes* describes the great progress that has been made around discrimination based on age, sex, religion, race, gender, identity and sexual orientation. There has been no discrimination on sex for the Nevada System of Higher Education admittance since 1887, teacher salaries since 1956 and employment consideration since 1967. An amendment offered at the February 20 meeting revises the portion that applies to abortion. I would offer that amendment to S.J.R. 2.

CHAIR CANNIZZARO:

I defer to our Legislative Counsel.

BRENDA ERDOES (Legislative Counsel):

Legislative Counsel Bureau is required to follow the germaneness rule, Joint Standing Rule No. 14.7 on Amendments. I do not believe this Committee could go forward with an amendment of this kind because this joint resolution is merely to go back to Congress with ratification. If you wanted to have the amendment, it would no longer be ratifying. It would have to be changed into a completely different bill, which would be a joint resolution asking Congress to restart the process and include the amendment with the language you are

asking for. I do not believe under the germaneness rule that the Committee could have such an amendment.

CHAIR CANNIZZARO:

I would like to point out this resolution would have to pass as it is in order for what it purports to be, is that correct?

Ms. ERDOES:

Yes.

SENATOR SEGERBLOM MOVED TO DO PASS S.J.R. 2.

SENATOR ATKINSON SECONDED THE MOTION.

SENATOR SETTELMAYER:

The passage of this amendment potentially does not do anything because it was time-barred 30 years ago. It also does no harm; it also does no good. At this point, I am having a difficult time understanding what to do with this resolution. The process should be redone so that it is valid, unlike 30 years ago when it ran out of time. I would prefer to see Congress restart this process again so that I can support it because I would rather follow procedure. I cannot support the resolution at the present time.

CHAIR CANNIZZARO:

We did hear about the time bar from Senator Pat Spearman who discussed the bill on Monday. It is also addressed in the Legislative Counsel's Digest.

Ms. ERDOES:

Yes, there has been a case clarifying when Congress can go forward with a ratification this late. The time bar was in the enabling language, rather than the text itself, and it would be up to Congress to make that decision. It is not exclusively barred at least under caselaw, so Congress would have a chance to look at this and make a decision if the other three states were to ratify it.

SENATOR GANSERT:

So much passion at Monday's testimony was about personal stories from women. I am a mother of four and have worked in male-dominated professions including engineering, medical practices and as a public servant for legislation. I celebrate that 40 percent of the Legislators at this Legislative Session are

women. This is a drastic change from six years ago. Having equal rights is critically important, and I support the measure.

CHAIR CANNIZZARO:

It is great to be a part of this Legislature which has 40 percent women, and I support S.J.R. 2.

SENATOR SEGERBLOM:

I appreciated all of the testimony from the previous meeting except for a remark that maligned millennial women as pretty much worthless. I believe that is proved incorrect by just looking at our Chair and seeing how hard she has worked to get where she is. That remark is the farthest removed from what is going on right now. Millennial women are taking over the world. I am very proud of the millennial women I know and work with; I found this remark to be inappropriate.

THE MOTION CARRIED. (SENATOR SETTELMAYER VOTED NO.)

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CHAIR CANNIZZARO:

I will open the meeting for Senate Bill (S.B.) 121.

SENATE BILL 121: Directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues regarding the behavioral and cognitive care needs of older persons. (BDR S-63)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

Senate Bill 121 addresses a demographic shift in the aging of Nevadans. The rapid increase in aging shows no sign of stopping. People living in the twenty-first century are living longer than ever before. These facts have serious implications. Older persons have unique cognitive issues that our social support may not be prepared to address. Older persons with behavior and cognitive health issues are among our most-treasured and -vulnerable assets to Nevada. We know that those who care for them have some disadvantages with knowledge, resources and information relating to behavioral and cognitive disease. Caregivers, including family members who have taken on the labor of love to care for family members suffering from these diseases, also struggle with proper training to care for their loved ones.

The older populations continue to grow, resulting in more persons with cognitive and behavioral diseases. It is imperative more than ever to identify gifts, grants, programs and other services to benefit this population and to study the many facets of this important issue. Senate Bill 121 provides that the Legislative Commission shall appoint a committee to conduct an interim study on behavioral and cognitive care for older persons. The committee is comprised of six Legislators, two each are appointed by the Senate Majority Leader and the Speaker of the Assembly, and one Legislator each is appointed by the Senate Minority Leader and the Assembly Minority Leader. The Legislative Commission shall also appoint the chair and the vice chair from those appointees.

The bill authorizes the interim committee to consult with experts in the field of behavioral and cognitive care of older persons. This can include employees of the Department of Health and Human Services within the Division of Public and Behavioral Health and the Aging and Disability Services Division; a representative from an association that provides services to persons with Alzheimer's disease; a representative from a nonprofit community agency that provides caregiver support and services to older persons with behavioral or cognitive health issues; and a medical professional as well as a representative from the Nevada System of Higher Education who has expertise in cognitive disorders. The care of a person with cognitive and behavioral disease issues requires a financial commitment by caregivers and family members. The interim study is required to research, examine and identify potential sources of State funding that is available to support evidence based on statewide community programs to aid caregivers.

Such funding may be utilized to offer information about programs and services designed to aid caregivers who are caring for older persons with behavioral and cognitive health issues. We need to provide training in select evidence-based community programs for caregivers, social services providers, health care workers and family members. The potential funding sources may also be used to create a sliding fee scale to address the affordability of mental health services and provide a substitute caregiver to ensure the safety of an older person who has behavioral or cognitive health issues while the family member attends training.

The interim study shall evaluate potential funding sources to assist Nevada Care Connection and Nevada 2-1-1 in the creation of a No Wrong Door program designed to assist caregivers. In addition, the interim study is tasked with

evaluating the possibility for the establishment of a higher rate of reimbursement for Medicaid and for nursing facilities prepared and trained to support older adults with behavioral and cognitive health issues. This would allow such older adults to remain in their own communities rather than being placed in out-of-state facilities. The out-of-state facilities situation is the most difficult to deal with in seeing elders moved out of state for care.

The interim study shall analyze the provisions of education and training for health care professionals in the screening, diagnosis and treatment of behavioral and cognitive diseases prevalent in older persons. The committee must report its findings and recommendations to the director of Legislative Counsel Bureau for transmittal to the 2019 Legislative Session. I have had a personal experience with health care issues with my husband. I understand how difficult it can be to care for loved ones. The interim study is important for this growing population of seniors with behavioral and cognitive diseases.

JEFFERY KLEIN (Nevada Commission on Aging; President, Nevada Senior Services):

We have one of the fastest-growing senior populations in America. Nevada needs to separate how behavioral and cognitive care is disbursed within each community. We need this study to create a system for a better health care for aging Nevadans. I have submitted testimony supporting S.B. 121 ([Exhibit D](#)).

JOHN YACENDA (President, Nevada Silver Haired Legislative Forum):

You have my brief testimony in favor of the bill ([Exhibit E](#)). One of the things important about this study is that we have an opportunity to really work together in the community. The number of people identified in the legislation to form the study committee is a fine body of people. The agencies will gather the information to create the programs to serve the population. The information will be funded to help implement programs. The Nevada Silver Haired Forum is willing to offer services to the committee.

CONNIE McMULLEN:

Though I submitted testimony in support of S.B. 121 ([Exhibit F](#)) on behalf of the Personal Care Association of Nevada, I decided to testify as a citizen. I am a member of the Nevada Commission on Aging, and I have been chairman and vice chairman for the Senior Services Strategic Plan Accountability Committee, appointed in 2000 by former Governor Kenny Guinn. At one point, I sat on the Second Judicial District Court Task Force on out-of-state placements. Elders

placed out of state who have dementia or Alzheimer's disease get scared and act out. In these situations, the staff cannot control them, and they are sent off to an emergency room. In this process, they lose their places in the care facility. In most cases, these people get stereotyped, and that is when they can be placed out of state because no nursing facility in Nevada will take them with this record. When placed out of state, the move can be far away. This is a sad situation in that most people who suffer from dementia will die since they do not do well with being moved so far away. I support this bill.

HELEN FOLEY (Nevada Assisted Living Association):

We represent the majority of assisted living facilities in Nevada that are between two to ten beds each as well as assisted living centers. About half of these beds are offered to people with dementia since as we get older we tend to forget things more easily. There is a special endorsement for training requirements for Alzheimer's disease. This issue is growing every year as the baby boomers age out. We offer strong support to Senator Woodhouse's bill. All of our facilities personnel are trained to deal with seniors. Approximately 90 percent to 95 percent of people in these facilities are private pay because the Medicaid rate is so low, and it is not enough to help pay for care. Seniors may also think they have enough money to live in these places, and they outgrow their money.

BARRY GOLD (AARP Nevada):

Nevada has one the fastest-growing populations of older adults. We would like to make sure we help them live the best possible lives. I have submitted my testimony in favor of S.B. 121 ([Exhibit G](#)).

SUSAN RHODES:

I have been on several committees with experience on these issues, the Senior Services Strategic Plan Accountability Committee and the Olmstead Subcommittee. I do know how this affects people with behavioral and cognitive diseases. I also see how this does allow them to stay in their communities or not. On behalf of both of these committees, I urge you to support S.B. 121.

MARLENE LOCKARD (Retired Public Employees of Nevada):

The Retired Public Employees of Nevada and the Human Services Network of Northern Nevada strongly support S.B. 121.

JACOB HARMON (Regional Director, Northern Nevada, Alzheimer's Association):
In partnership with the Centers for Disease Control and Prevention and the Sanford Center for Aging at the University of Nevada, Reno, the Alzheimer's Association was able to gather, through the behavioral risk factor surveillance system, Nevada-specific data for cognitive decline. The scope of the problem is more dire than expected. I submitted a fact sheet ([Exhibit H](#)). On behalf of the 41,000 people in Nevada living with Alzheimer's and the 150,000 care partners, we support this bill.

MARY LIVERATTI (AARP):
I have spent 40 years working as a social worker dealing primarily with older persons and people with disabilities. About four years ago, the Legislature had a study on mental health. One of the gaps found in that study was that the older population is underserved with behavioral health. I urge you to support S.B. 121 toward more progress.

HOMA WOODRUM (Chief Advocacy Attorney, Aging and Disability Services Division, Department of Health and Human Services):
We support S.B. 121 with two considerations, one with the No Wrong Door policy. The concept of No Wrong Door involves the point of contact an individual may have with an agency or service provider. Second, the concept of aging in place requires evidence-based data to facilitate allowing people to stay in their homes longer. The Aging and Disability Services Division and Department of Health and Human Services are in support of this bill. I believe looking into the information will help us create better programs and legislation. There are many bills this Legislative Session that may pertain to these issues with health care. Just last week with Assembly Bill 31, Assemblywoman Robin Titus asked for more data concerning senior suicide rates and getting to the bottom of food, security and other issues that leave people open to exploitation. The questions of caregiver fatigue, the needs of caregivers and not leaving them without support were also recognized.

ASSEMBLY BILL 31: Revises provisions relating to the Specialist for the Rights of Elderly Persons and the Community Advocate for Elder Rights.
(BDR 38-130)

TREY DELAP (Director, Group Six Partners):
We are neutral with this bill and have four recommendations on page 1 of my testimony ([Exhibit I](#)), including geropsychologist consultation; evaluating suicide

rates among persons 65 and older; evaluating addiction or substance disorders; and evaluating the utility of community health workers or peer support specialists. I have submitted a proposed amendment on pages 3 and 4 of my testimony.

SENATOR WOODHOUSE:

I have received a copy of the amendments from Mr. Delap, and I will be working with him to see how they fit into this bill. We will be back later with suggestions.

Remainder of page intentionally left blank; signature page to follow.

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Chair Cannizzaro:
I adjourn this meeting at 4:38 p.m.

RESPECTFULLY SUBMITTED:

Janae Johnson,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
S.J.R. 2	C	2	Michael Stewart	Work Session Document
S.B. 121	D	5	Jeffery Klein / Nevada Commission on Aging; Nevada Senior Services	Testimony
S.B. 121	E	1	John Yacenda / Nevada Silver Haired Legislative Forum	Testimony
S.B. 121	F	1	Connie McMullen / Personal Care Association of Nevada	Testimony
S.B. 121	G	1	Barry Gold / AARP Nevada	Testimony
S.B. 121	H	1	Jacob Harmon / Alzheimer's Association	Data Sheet-2015 Behavioral Risk Factor
S.B. 121	I	4	Trey Delap / Group Six Partners	Testimony and Proposed Amendment