

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eightieth Session
April 29, 2019**

The Committee on Health and Human Services was called to order by Chairwoman Lesley E. Cohen at 12:52 p.m. on Monday, April 29, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Chairwoman
Assemblyman Richard Carrillo, Vice Chairman
Assemblyman Alex Assefa
Assemblywoman Bea Duran
Assemblywoman Michelle Gorelow
Assemblyman Gregory T. Hafen II
Assemblywoman Lisa Krasner
Assemblywoman Connie Munk
Assemblywoman Rochelle T. Nguyen
Assemblyman Tyrone Thompson
Assemblywoman Robin L. Titus

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

Senator Yvanna D. Cancela, Senate District No. 10

STAFF MEMBERS PRESENT:

Megan Comlossy, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Terry Horgan, Committee Secretary
Alejandra Medina, Committee Assistant

Minutes ID: 1096



OTHERS PRESENT:

Dena Schmidt, Administrator, Aging and Disability Services Division, Department of Health and Human Services
Jessica Adams, Health Program Manager III, Quality Assurance, Aging and Disability Services Division, Department of Health and Human Services
Tracy Brown-May, Director of Advocacy, Board, and Government Relations, Opportunity Village, Las Vegas, Nevada
Michael Phillips, Government Affairs and Compliance, Three Square Food Bank, Las Vegas, Nevada
Renea Parr, Director of Emergency Services, Jewish Family Service Agency, Las Vegas, Nevada
Jodi Tyson, Vice President, Strategic Initiatives, Three Square Food Bank, Las Vegas, Nevada
Liz MacMenamin, Vice President, Government Affairs, Retail Association of Nevada
Tessa Laxalt, representing Nevada Trucking Association
Shane Piccinini, Government Relations, Food Bank of Northern Nevada
Sara Sanchez, Managing Director, Carson Valley Community Food Closet, Gardnerville, Nevada
Jennifer Jeans, representing Legal Aid Center of Southern Nevada; Southern Nevada Senior Law Program; Washoe Legal Services; and Volunteer Attorneys for Rural Nevada
Brian Beffort, Director, Toiyabe Chapter, Sierra Club
Jessica Wise, representing the Human Services Network
David Cherry, Government Affairs Manager, City of Henderson
Rita Weisshaar, Vice President, Nevada Alliance for Retired Americans
Warren B. Hardy II, representing Nevada League of Cities
John Yacenda, Senate District 16; President, Nevada Silver Haired Legislative Forum
Fran Almaraz, Senate District 21; Member, Nevada Silver Haired Legislative Forum

Chairwoman Cohen:

[Roll was taken. Committee rules and protocol were explained.] We will begin by hearing Senate Bill 18 (1st Reprint).

Senate Bill 18 (1st Reprint): Revises provisions relating to jobs and day training services. (BDR 39-198)

Dena Schmidt, Administrator, Aging and Disability Services Division, Department of Health and Human Services:

We are here this afternoon to introduce Senate Bill 18 (1st Reprint). This bill revises the process of establishing the financial solvency of providers of jobs and day training. This will allow the Division to develop policies that address the variations in the size and scope of our providers based on their business models while also ensuring the financial stability and solvency of these individual agencies and protecting the interests of the state.

Jobs and day training services are provided by contracted community providers. The services they provide are individually planned and developed through a person-centered process with the desired outcome of competitive employment in the community. The changes in this bill will allow the Division to work with community providers to develop more individualized and customized opportunities. We see more opportunities for these types of customized employment and training opportunities, especially in our rural areas. Often, our providers in the rural areas are very small mom-and-pop shops, and current statute requirements are quite extensive and very specific.

The changes in the bill remove the language that outlines the very specific form and documentation requirements within the *Nevada Revised Statutes* (NRS). Removing this language will allow us to work with the provider community to adopt regulations and policies that define adequate documentation of financial solvency. Removing this language also removes a burden to small business providers who are providing these essential services across the state to our vulnerable individuals. Many of the small business providers we are talking about who are being impacted by the current statute are offering integrated supportive employment, which is support services to keep individuals employed. This bill will give us more flexibility—similar to what we already have in our supportive living arrangement statute.

Chairwoman Cohen:

Are there any questions? [There was no reply.] If we are talking about a small business provider in a rural area, what kind of documentation will we still be able to request from them to make sure that there is proper oversight?

Jessica Adams, Health Program Manager III, Quality Assurance, Aging and Disability Services Division, Department of Health and Human Services:

Currently within our supportive living arrangement program, if the agency bills us less than \$1 million a year, they have to turn in things like profit and loss statements, balance sheets, cash flow statements, et cetera, that we will have fiscal staff look at to make sure they are solvent.

Assemblyman Carrillo:

There were discussions on the bill in the Senate, and you indicated reasons for the deletion of the language in section 1 to make it easier for smaller agencies in rural counties to provide these types of services. Why would you not instead leave the deleted language alone and add a population cap so larger counties or municipalities with larger agencies doing this work would still have the audit oversight?

Jessica Adams:

While we do have many smaller agencies in the rural areas, we also have small agencies working in the urban areas, so I do not know if a population cap would work. Right now, our smallest agency is operating in Las Vegas. They bill the state around \$2,000 a year. With an audit costing about \$10,000, it is actually costing them money to work for us.

Chairwoman Cohen:

Are there any other questions? [There was no reply.] Seeing no questions, we will call up anyone in Las Vegas or Carson City for support.

Tracy Brown-May, Director of Advocacy, Board, and Government Relations, Opportunity Village, Las Vegas, Nevada:

We want to thank the Division for their hard work on this bill revision and congratulate them for allowing smaller nonprofits the opportunity to be able to provide services. It furthers the opportunity for more providers to enter the state which diversifies choices for people with disabilities. For those reasons, we are here to offer our support for the revised version of S. B. 18 (R1).

Chairwoman Cohen:

Seeing no one else in support, is there anyone in opposition in Carson City or in Las Vegas? [There was no reply.] Seeing no one, is there anyone in neutral in either city? [There was no reply.] Would you like to make a final statement? [There was no reply.] Let the record reflect the statement was waived. With that, we will close the hearing on S.B. 18 (R1) and open the hearing on Senate Bill 178 (1st Reprint).

Senate Bill 178 (1st Reprint): Creates the Council on Food Security and the Food for People, Not Landfills Program. (BDR 18-57)

Senator Yvanna D. Cancela, Senate District No. 10:

I am so excited to bring Senate Bill 178 (1st Reprint) forward, and I am so grateful to be joined by Assemblyman Assefa in bringing this bill to your Committee today.

Senate Bill 178 (1st Reprint) will allow us, in the long term, to deal with one of the most important issues facing our communities—the lack of access to high-quality, affordable food. Today, the U.S. Department of Agriculture estimates that about 12 percent, or about 15 million American households, face challenges providing enough food for their families. In Nevada, one in eight households and one in six children are food insecure. That means that those children do not have access to a reliable or sufficient quantity of affordable, nutritious food.

Unfortunately, food security is a strong predictor of other health outcomes. There is nearly a direct correlation between lack of healthy food and other disease states piling up. We know that at the same time there is a problem with access to food, there are also about 171,000 tons of organic waste that end up in landfills every year. That is about 342 million pounds, or 114 pounds of organic waste per person each year, so we throw away a lot of edible food. It has happened to me. I will buy too much at the grocery store, and before I know it, my bread has mold on it and I end up throwing it away even if some might have been salvageable. This waste represents the third-largest type of municipal solid waste in Nevada following metals and paper. It does not have to be this way. We could be doing things differently, and that is what this bill aims to address.

Senate Bill 178 (1st Reprint) does two things: it makes permanent the Governor's Council on Food Security which was established in 2014; and allows for the Council to implement and oversee Nevada's Plan of Action, among other things. It also establishes the Food for People, Not Landfills Program within the Department of Health and Human Services (DHHS).

Section 7 of the bill creates the Council and outlines its membership. A number of different people are appointed to the Council by entities such as the Governor and the Legislature which allows the full population of our state to be represented.

Section 8 allows for the Chair of the Council to appoint subcommittees of up to five members to consider specific problems. This session, the Council has a number of bills before the Legislature specific to senior hunger, and it is proof that the Council can work together to come up with solutions or ideas.

Section 9 prescribes the duties of the Council; section 10 establishes the Food for People, Not Landfills [Program] within DHHS. The goal of the program is to incentivize food donations and recycling by our business community. The bill allows for DHHS to create a seal so food donors participating in the Program can be recognized in our communities and aims to create an outline for how those food donors can better provide rescued food.

The bill goes through precisely what DHHS requirements would be established to enable participants to satisfy the Program and to establish the Program. On or before January 31 of each year there must be a report submitted by the DHHS Director to the Legislative Counsel Bureau explaining the Program's accomplishments. I will now turn this presentation over to Assemblyman Assefa.

Assemblyman Alex Assefa, Assembly District No. 42:

Senate Bill 178 (1st Reprint) proposes a Council composition that affords greater flexibility in membership. It keeps all 15 of the appointed members nongovernmental employees, but requires only 11 members to be appointed in any given calendar year. This bill adds one additional state division as a governmental member—the Aging and Disability Services Division within the Department of Health and Human Services. Since there are a total of nine representatives of federal or state agencies or bodies, they will not outnumber the external appointments or the nongovernmental representatives. To clarify that, while the Governor appoints the Council chair and therefore can select who represents the Governor, this position is counted among the 15 appointed nongovernmental employee seats.

Currently the Council meets six times a year; under S.B. 178 (R1), the Council will meet quarterly, which will allow time between meetings for additional work groups. In the last two years, the Council has formed several active work groups including the policy committee and senior nutrition stakeholder work groups, which started as a study committee but has recently formalized as a collaborative work group with the Commission on Aging. These changes will improve the productivity of this already productive Council as well as increase engagement across the state through work groups since nonmembers can participate in the work groups.

Chairwoman Cohen:

Do we have any questions?

Assemblyman Carrillo:

May I be considered as a cosponsor on this bill?

Senator Cancela:

I believe we can amend additional cosponsors, but I am not positive about that.

Chairwoman Cohen:

We can amend, if you would like to.

Senator Cancela:

I would certainly welcome the additional cosponsor. Also, Michael Phillips from Three Square has additional remarks he would like to make as a presenter of the bill.

Michael Phillips, Government Affairs and Compliance, Three Square Food Bank, Las Vegas, Nevada:

I really appreciate the efforts of Senator Cancela and Assemblyman Assefa in championing this legislation that we feel is very important. I want to give a brief overview of the genesis of the Governor's Council on Food Security. Governor Sandoval understood that food insecurity is a result of complex and diverse challenges and that a council's strength comes from building consensus across multiple sectors; therefore, the Governor's Council on Food Security was created with 15 prescribed appointments who represent their fields as experts, and 7 representatives from state agencies who are also experts in their areas of practice.

The Council has enjoyed many successes legislatively including Breakfast After the Bell in 2015 which catapulted Nevada's participation rate in school breakfast among eligible students from near the bottom of the states and territories to 7th in the nation. In 2017, Senate Bill 323 of the 79th Session passed creating a voluntary workforce program and ensuring Supplemental Nutrition Assistance Program (SNAP) recipients who struggle to maintain employment can meet federal work requirements through volunteerism. Additionally, in late 2017, the Council endorsed the major report detailing gaps in the nutrition program spectrum that exacerbates food insecurity among seniors over 60.

With each focus—children, seniors, SNAP, and food rescue—there are members who are engaged and members who are not. The Council cannot take on all food security issues at once. Over the years, members have expressed a desire for flexibility in the Council membership so that the membership alliance has many focuses, thus the proposed makeup you see in this legislation.

Chairwoman Cohen:

Mr. Phillips, are you seeing more of a push for private entities to help supply food or for citizens to help supply it? I know we are starting to see more utilization of food from casino

conventions where the food is not being used. Is our focus more on that, or are we still focusing on community food drives?

Michael Phillips:

The exciting part of this bill is that it is helping build momentum. We are looking for participation throughout the community. We really do appreciate food drives, but they cannot compete with the scale and the scope of our retail and resort partners. In the last 11 years, since Three Square has been around, we have seen an increase in retail partners participating. The increased participation by the resort community has only made this a more worthwhile cause. With so many Nevadans in need, this is the most affordable and nutritious way to get food to people who are hungry.

Chairwoman Cohen:

Thank you, Mr. Phillips, and I assume that would also be a better way to get fresh food to people. When I clean out my pantry, for instance for the U.S. Postal Service's Stamp Out Hunger National Food Drive, they will pick up bags of food from houses, but that will always be canned or boxed food and nonperishables. If it is from a place like Starbucks, it can be perishable food, allowing people to eat fruits, vegetables, meats, and cheeses as opposed to what I would be sending—usually cans of tuna and boxed food.

Michael Phillips:

Yes, you are correct. Fresh proteins and fresh produce are the most sought-after items by food insecure individuals at the Three Square Food Bank. And, yes, especially through our retail partners, we are able to get pounds and pounds of fresh produce. In fact, last year in the 17 million pounds we received from the retailers, approximately 40 percent of what we put out was fresh produce. Yes, it is a big deal and it makes a big difference in the nutritional choices of the people who are hungry.

Chairwoman Cohen:

Seeing no other questions, we will open up the hearing for support in Las Vegas and in Carson City.

Renea Parr, Director of Emergency Services, Jewish Family Service Agency, Las Vegas, Nevada:

I am here in support of S.B. 178 (R1). The Jewish Family Service Agency (JFSA) has always had a passion for feeding those in need. Our food pantry has been serving the Las Vegas community for over 20 years, helping feed tens of thousands of food-insecure families. Currently our food pantry serves about 1,000 families every month, more than 300 seniors, and 200 children. The JFSA currently participates in the Three Square food program—Food Rescue—from Smith's, Albertson's, and other grocery retailers salvaging food that would otherwise end up in a landfill. One of the benefits of Food Rescue is it allows us to offer a wide variety of foods for everyone including those with health concerns and dietary restrictions.

Although this program has been very successful, truckloads of perfectly consumable food are discarded every day. For example, every day in Las Vegas, restaurants discard thousands of pounds of food, as do grocery retailers, that cannot be redistributed because programs do not currently exist to allow this food to be rescued. These restaurants have no choice but to discard this food—not because they want to, but because there are no programs available to them. This is just one small example of how S.B. 178 (R1) will help allow more food flow into the hands of those in need. The JFSA and the food rescue team at Three Square have taken great initiative to create awareness of the need for the food and how fresh food rescue can make a difference. Often grocery stores and food vendors do not realize how much food can be saved and how simple it is to save it. Three Square works to stay in constant contact with these stores and vendors, building strong relationships and confidence for all involved.

Food pantry service has been a long-standing passion of mine. I have personally been involved with the Three Square Food Rescue team for over five years. In that time I have seen a dramatic difference in the way we can feed our community because of their hard work and dedication. Every day of the week, I personally pick up food from Smith's and Albertson's that would otherwise go into a landfill. By creating programs to more effectively secure this food, S.B. 178 (R1) will help increase the amount of food that we can distribute to the community. It is a tragedy to see fresh produce, dairy, and proteins discarded when we have hundreds of thousands of people in our community who can take advantage of this perfectly consumable food. Thank you for your time on behalf of Jewish Family Service Agency. We hope you will support S.B. 178 (R1).

Jodi Tyson, Vice President, Strategic Initiatives, Three Square Food Bank, Las Vegas, Nevada:

As a member of the Governor's Council on Food Security since its inception [in 2014], I will say that it has been a pleasure to serve. I have seen tremendous work in our state in terms of collaboration, in terms of good policy coming forward, and in terms of systems working more seamlessly together. I would like to offer a couple of quick examples.

During the time of the Governor's Council on Food Security, in addition to having a real focus on increasing participation in federal nutrition programs, we also did a really good job of streamlining services that are means-tested programs. For example, now when your SNAP application is processed by the Division of Welfare and Supportive Services within the Department of Health and Human Services, your application is also being assessed for Medicaid. Maybe you did not apply for Medicaid, but they will look to see if you are on Medicaid or if you can be expanded into that program. The same is true for the Women, Infants and Children Program (WIC). The Women, Infants and Children Program is administered out of a different division within DHHS, but these agencies are now working together more seamlessly to make sure that if you are on WIC you also have the opportunity to be on SNAP, and vice versa.

This has not only been a great opportunity for us to get together, for agencies to get together, for our issues to come together, but also for state agencies to come together as well. As a member of the Governor's Council on Food Security, I welcome this opportunity to be

codified in our *Nevada Revised Statutes* to be a permanent body. I also know this is the kind of effort that helps us come together—our state and local agencies and health districts are working together to raise awareness and to better understand what systems need to happen for better food rescue. Thank you for this opportunity.

Liz MacMenamin, Vice President, Government Affairs, Retail Association of Nevada:

The Retail Association of Nevada would like to thank the sponsors and cosponsors of this legislation because we believe in what this bill and this Council can accomplish. These organizations have worked hard to ensure that foods that may not be salable but are still nutritious can still be distributed to those who are uncertain where their next meal may come from.

This bill is a great start in keeping food out of our landfills and into the mouths of those who are in real need of it. The food banks in both the north and south have done a fantastic job of bringing their communities together. The retailers included our grocers as part of a group who is trying to come up with solutions and find ways to collaborate to end hunger in our communities.

I am very proud to sit here today to support this bill. Our members have worked hard. Smith's has been big in a national campaign—as many of our other members have been. Marsha Gilford, Chair of the Board of the Retail Association of Nevada, also sits on the Three Square Board of Directors and has been very active in making sure the needs of the hungry in southern Nevada are taken care of through Smith's donations of food that had been thrown in the garbage. Quite frankly, our grocers have been looking at this situation for a long time and were hoping to come up with solutions other than tossing these nutritious and good foods into the garbage. We urge your support for S.B. 178 (R1).

Tessa Laxalt, representing Nevada Trucking Association:

We are here to support S.B. 178 (R1). We would like to echo the comments from the previous proponents of the bill. We would also like to point out that from farm to fork, all food will be on a truck at some point.

Shane Piccinini, Government Relations, Food Bank of Northern Nevada:

The Food Bank of Northern Nevada is currently serving around 90,000 people every month through 140 partner agencies. I would like to invite Sara Sanchez with the Carson Valley Community Food Closet to bring a presentation forward.

Sara Sanchez, Managing Director, Carson Valley Community Food Closet, Gardnerville, Nevada:

The Food Closet has been serving residents of Douglas County since 1989. Each month we provide an average of 733 people with supplemental food. Over the course of a year, that is over 240,000 meals provided to people in need. This food we distribute comes from many sources such as local food drives, grocery store purchases, the Food Bank of Northern Nevada, and through gleaning. Thanks to our partnership with the Food Bank, the Food Closet gleans food from nine locations, seven days a week. This includes six grocery stores

and three restaurants. The food recovered from local stores and restaurants last year totaled more than 328,000 pounds, which was nearly half the food we distributed.

As you can imagine, many of the foods donated to our agency are shelf-stable canned and dry goods. Additionally, a significant portion of donations can often fall into the junk food category, so one of the biggest benefits of gleaning is the ability to prepare fresh produce. Often the produce is top quality; other times, it might be irregularly shaped or have small blemishes. These fruits and vegetables go a long way to help offset the high-sodium, high-sugar products we often receive. Frequently the gleaned produce includes potatoes, tomatoes, zucchini, onions, and cucumbers. Through gleaning we also receive prepared fruits such as melons and berries, bags of spinach and salad mixes, bananas, apples, oranges, and even the rare dragon fruit or jicama, parsnips, and artichokes. As you can imagine, many of these items are essential for a healthy diet but at times can be pricey and sometimes out of our recipients' budgets. Eating well on a food-bank diet can be a challenge for people with health concerns such as diabetes and high blood pressure.

With the ability to glean grocery store and restaurant items, each one of our recipients is able to receive produce, meat, dairy, bakery goods, dry goods, and canned goods. Many of our clients come by each day to see what type of produce is available, to grab some greens, and take a browning banana to add to a smoothie. Recently, a recipient on chemotherapy cried after receiving a gleaned bag of spinach. Without a doubt, a full bag of gleaned produce, along with dairy and meat items, elicits the biggest response from our clients and provides the best relief to an already tight or nonexistent household food budget.

Jennifer Jeans, representing Legal Aid Center of Southern Nevada; Southern Nevada Senior Law Program; Washoe Legal Services; and Volunteer Attorneys for Rural Nevada:

We would like to put our support on the record for this bill.

Brian Beffort, Director, Toiyabe Chapter, Sierra Club:

[Brian Beffort spoke from prepared text ([Exhibit C](#)).] On behalf of more than 30,000 Sierra Club members and supporters, we are grateful for your consideration of S.B. 178 (R1). We strongly support the creation of the Council on Food Security and the Food For People, Not Landfills Program.

Many people do not realize that as much as 40 percent of the food grown in the United States is thrown away. This is a terrible waste of: water, soil, and nutrients consumed to grow the food; the chemical fertilizers, herbicides, pesticides, and antibiotics used in food production; the fossil fuels used to grow and transport food; and methane—one of the world's most powerful greenhouse gases that is produced when discarded foods break down in landfills. And, of course, it is not feeding the people who are hungry. One of the best ways to feed these people, our growing population, is to make full use of the food we already have. This will also minimize the impacts I just listed. We believe this bill and the Council it creates will take meaningful steps to accomplishing both these goals.

Jessica Wise, representing the Human Services Network:

We are in support of S.B. 178 (R1). The Governor's Council on Food Security has made a significant impact in Nevada these last five years, and this bill will ensure their ability to continue this work. We urge your support.

David Cherry, Government Affairs Manager, City of Henderson:

It is our pleasure to be here today in support of this legislation. We want to thank the bill's sponsors for bringing it forward. We believe the Council can focus the expertise needed on food insecurity to create additional synergy. Also, we think it is important to have a focus on increasing participation in federal nutrition programs by eligible households because too often we find in Nevada that we are leaving federal dollars on the table that would otherwise be available to really help our residents in need.

No one benefits when food goes into a landfill, which comes with its own additional costs for disposing of unused food items that could be going to meet the nutritional needs of families in Henderson and in other Nevada communities. For all these reasons, we believe this is a very meritorious piece of legislation and we hope it will have your support.

Rita Weisshaar, Vice President, Nevada Alliance for Retired Americans:

We represent over 18,000 seniors in all walks of life from all over the state. We stand firmly in support of S.B. 178 (R1).

Warren B. Hardy II, representing Nevada League of Cities:

We want to go on record in support of S.B. 178 (R1). We spoke with the sponsor about having a representative of local government be one of the appointments, and we look forward to following through with that and doing what we can to help it succeed.

Chairwoman Cohen:

Is there anyone else in support in either Carson City or Las Vegas? [There was no reply.] Seeing no one, we will move to opposition. Is there anyone in opposition in Carson City or Las Vegas? [There was no reply.] We will move to neutral.

Dena Schmidt, Administrator, Aging and Disability Services Division, Department of Health and Human Services:

I also serve as the Chair of the Commission on Aging and want to acknowledge and express my appreciation for the addition of a representative from our Division to the Council. We appreciate the hard work the Food Security Council has done. In fact, one of their studies—the senior nutrition gap analysis—has been very informative to our Division and has changed the trajectory and the way we fund senior nutrition programs. So we recognize the importance of continuing the Food Security Council. You heard many examples of the improvements made in coordination across the multiple programs we provide as well as those the communities provide, so continuing the coordination of these categorical food programs across all of DHHS is important and invaluable to the people we serve.

Chairwoman Cohen:

I will call up the presenters for any final comments.

Senator Cancela:

As you can see, this is a bill that has a lot of support from all sectors. I think it is because there is a wide recognition in the state that hunger is a problem that affects us in a way that is deep and real, and that we need long-term strategies to tackle it. The Governor's Council on Food Security is very much the place to have those discussions. I believe in their leadership and I believe in their long-term ability to help us come up with real solutions.

Assemblyman Assefa:

I want to highlight that S.B. 178 (R1) is simply strengthening what has already been proven to work. It makes the Council more efficient and streamlined. This bill will also enable us to take the next step toward making our state become more food secure and fighting hunger.

Chairwoman Cohen:

Thank you to all of you in Las Vegas and in Carson City whose professions make sure that Nevadans are fed. I will now close the hearing on S.B 178 (R1) and invite Mr. John Yacenda up to present Senate Bill 24 (R1).

Senate Bill 24 (1st Reprint): Revises provisions governing the Nevada Silver Haired Legislative Forum. (BDR 38-534)

John Yacenda, Senate District 16; President, Nevada Silver Haired Legislative Forum:

Nevada Silver Haired Legislative Forum members represent all the districts in the state. The state Senators nominate representatives from their districts, they confer with Assembly members, and ultimately our Forum members are appointed for two-year terms. Part of the membership of the Forum are also members of the Silver Haired Congress, which is a different organization. It is a voluntary, nonprofit organization, with its own structure and governance. However, during the last four or five years there has been some confusion about the two organizations. There are different requirements for membership in terms of qualifications, et cetera. Over the years, we have tried to get common ground for membership—common age requirements, common residency requirements, et cetera. We finally came together and found a governance structure that embraced all the qualities of the history of our organization. That was the bill that was passed by our Forum and submitted to the Senate. Of course, it passed the Senate. It embraces the structure of the body and protects the requirements of seniority, age, and voting—all the things that give us an identity. It protects the quality of the membership, so everyone who refers to being a Forum member has the same identity and qualifications. That is what we were seeking. Now it is set up that way, it is what you are presented with in terms of this bill we have before you.

If you look at the comparison table ([Exhibit D](#)) we analyzed four areas: ex-officio member rights and responsibilities; Forum officer positions and terms; Forum officer duties; and the nonvoting advisory Forum member. You can see the differences between the current provisions of the bill and S.B. 24 (R1). Currently, the ex-officio members are able to become

officers of the Forum. This bill has changed things so now ex-officio members cannot become Forum officers. One of the reasons for that is that there is no governance structure for the Congress. They do not answer to any official governing body. The Nevada Silver Haired Legislative Forum answers to the Nevada Legislature, but the Congress answers to no one, so we decided that was not a reliable governance structure. We felt it would be improper in terms of an official body to be an officer of the Forum.

In terms of automatic voting, currently Forum members can vote during Forum meetings at any time. Under this bill, they can vote only if they are 60 years of age and have been Nevada residents for five years. Those are Forum requirements but they do not apply to the Silver Haired Congress. We tried to have the same requirements because we were being criticized by people we were asking to support our different endeavors. That part of the body did not have any requirements but other parts did. That is how this legislation came about. All these changes are intended to tighten this up so it will be consistent and the way it was originally created by the Legislature.

Assemblywoman Nguyen:

I noticed that the requirement for other members is 60 years of age. Is there any reason why you chose the age of 50 for advisory members?

John Yacenda:

They are nonvoting. They are also not part of the body; they are not members from any particular district. They are persons who might be of interest who served and/or had special abilities. Maybe they were working in a field and had special knowledge we wanted to use. We could solicit that knowledge by inviting them to become members. At that age, we thought there would be a bigger pool.

Assemblywoman Nguyen:

I also notice there are different residency requirements preceding the date of a Forum meeting. One is five years and one is three years. Is there any particular reason why there is such a lengthy residency requirement?

John Yacenda:

I do not think there was any particular reason. That language was carried forward. There was no debate or discussion about establishing the numbers for residency; they were inherited along the way. They were identified in the beginning and we carried them forward.

Chairwoman Cohen:

Following up about the advisory positions—you mentioned possible expertise. However, upon reading the bill there is nothing listed in the requirements that they have to have any particular expertise.

John Yacenda:

Correct.

Chairwoman Cohen:

What is the intent?

John Yacenda:

The intent of this position was to allow the Forum to sit around at a meeting and say, "You know, we need someone who really understands such and such." Sometime, people come to our hearings and talk about things we have never heard about. We get interested, but that is the beginning and end of our interest; we do not follow up on it. Or, we follow up and think we would like more information about a topic, but we have meetings every quarter and three months later, our interest has waned. We are forgetful; we are old folks. The idea was if we are interested in something we should have an opportunity to ask someone if that person would be interested in being appointed as an advisor to us about such and such. That person would be appointed, develop thoughts on that item—maybe writing a paper for us or making a presentation for us officially as an appointed advisory member—taking on that distinction, having that authority from us to do that. In gathering information, our advisor would be able to say he or she is an advisor to the Nevada Silver Haired Legislative Forum who is working on a particular project and would like some information, et cetera. Our advisor could use this authority to possibly develop more detailed information about a project, subject, or concept and then make a presentation to us or develop a paper. We thought about it as a way to leverage information, leverage authority, and leverage access. I think it is an effective strategy.

Chairwoman Cohen:

Let us take food insecurity. You are all sitting around and decide you would like to look into food insecurity in the senior population in Nevada. You ask someone over 50—maybe someone working with Three Square who has expertise in the field and is willing to serve. You ask that person to be your advisor on food insecurity in the senior population, and a few months later you get a report. You meet again, but you decide that the Governor's Council is doing so much work on food insecurity that they have it covered. Is that advisor finished? Is that position over or would that person still be serving out a term?

John Yacenda:

Their position could be over or we could ask them if they would be interested in expanding into a different area or new facet of the topic. We could even suggest to the Governor that he include that person in a particular part of the study—for example a senior component of the study, or narrow it to a certain area—just northern Nevada or just northeastern Nevada. There are so many pockets of activity in the state of Nevada that are always ripe to be studied.

Chairwoman Cohen:

Language in section 1.5, subsection 5, paragraph (c) discusses the termination of membership of an advisory member. It reads, "The affirmative vote of a majority of the membership of the Forum that is qualified to vote to terminate the membership of the advisory member." Is this based on cause or on what we were just discussing? The advisory member did some

research for us, we realized we do not want to pursue the topic further; are we now going to terminate that person's membership?

John Yacenda:

When this was developed, we had to have a clause that allowed termination. It was not a termination for cause necessarily. Does that make sense?

Chairwoman Cohen:

Seeing no other questions, I will ask for additional support.

Fran Almaraz, Senate District 21; Member, Nevada Silver Haired Legislative Forum:

I am a member of the Forum. We meet four times a year and hear issues that affect seniors. The reason we thought a facilitator would help is because when people come before us to present—whether they are food banks or nursing homes, or speaking on issues related to guardianship and other things that affect seniors—we hear their side of it. We thought a facilitator would be able to get us more information so we would have a broader scope to use when making a determination about a particular issue related to seniors.

We are also allowed one bill draft request (BDR) each session. We usually bring that BDR for an issue that affects seniors. Last session it was on guardianship. This session it is to fix the Forum so that we are more in line with how a forum should operate, which is the basic reason for this bill.

Rita Weisshaar, Vice President, Nevada Alliance for Retired Americans:

We stand in support of S.B. 24 (R1).

Chairwoman Cohen:

Seeing no other support, is there anyone in opposition in Carson City or Las Vegas? [There was no response.] Is there anyone neutral in Carson City or Las Vegas? [There was no response.] Would you like to make any closing remarks?

John Yacenda:

This is something that has been very emotional for us. We stand together on so many things and we fight over so many things. We are like normal people, but we are a bunch of old people too. However, I say that lovingly and fondly. We go through struggles, but we want to fight over things that have meaning. It may seem like a bunch of words, but when we get together and we look at how these things can make sense, it really means something. You are all in a position to make these words mean something more. Thank you for your time and consideration.

Chairwoman Cohen:

Thanks to you, Ms. Almarez and Mr. Yacenda, and to all your Nevada Silver Haired Legislative Forum members for the work you do for the state. With that, I will close the hearing on S.B. 24 (R1). Do we have anyone for public comment? [There was no response.] Seeing no one, we are adjourned [at 2 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblywoman Lesley E. Cohen, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a letter dated April 29, 2019, to the Assembly Committee on Health and Human Services, presented by Brian Beffort, Director, Toiyabe Chapter, Sierra Club, in support of Senate Bill 178 (R1).

[Exhibit D](#) is a comparison table titled "Conceptual Changes to the Statutes Governing the Nevada Silver Haired Legislative Forum by Senate Bill 24," submitted by John Yacenda, Senate District 16; President, Nevada Silver Haired Legislative Forum.