

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Eightieth Session
April 15, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 2:45 p.m. on Monday, April 15, 2019, in Room 2149 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 David R. Parks, Chair
Senator Melanie Scheible, Vice Chair
Senator James Ohrenschall
Senator Ben Kieckhefer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator Julia Ratti, Senatorial District No. 13
Assemblyman Chris Edwards, Assembly District No. 19
Assemblywoman Robin L. Titus, Assembly District No. 38

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Heidi Chlarson, Committee Counsel
Becky Archer, Committee Secretary

OTHERS PRESENT:

Katherine (Kat) Miller, Director, Department of Veterans Services
Marla McDade Williams, Churchill County
Tony Yarbrough, Veterans of Foreign Wars; United Veterans Legislative Council
Joanna Jacob, Dignity Health - St. Rose Dominican Hospitals

CHAIR PARKS:

We are starting today's hearing with Assembly Bill (A.B.) 11.

ASSEMBLY BILL 11: Revises provisions governing Veterans Services. (BDR 37-194)

KATHERINE (KAT) MILLER (Director, Department of Veterans Services):

I will review information from my presentation ([Exhibit C](#)). Assembly Bill 11 revises provisions governing duties of the Director of the Nevada Department of Veterans Services (NDVS) and county coordinators of services for veterans.

Statute does not address NDVS's authority to certify State veteran service officers (VSOs); rather, it only discusses federal accreditation authority. This change adds the State's authority to certify VSOs prior to seeking federal accreditation. Prior to 2014, the NDVS did not have a rigorous State training program. The NDVS submitted VSOs for accreditation to the United States Department of Veterans Affairs. Since 2014, the NDVS requires VSOs to complete a three-part State training program including: 1, the Nevada Veterans Advocate Course; 2, the National Veterans Legal Services Program training course; and 3, on-the-job training.

It is important, before turning the accreditation over to the federal government, to make sure the State's VSOs can do the job—not just the federal part but understanding the State benefits as well.

This bill updates the archaic term "military and naval services." That term went away in 1947 when the Department of Defense brought them together. The term is replaced with "Armed Forces." This bill also adds domestic partners to persons served by our VSOs.

Statute talks about the VSO's responsibilities to assist veterans with federal claims. This bill adds the responsibility to assist with State claims. There are many benefits and services. A veteran may need assistance with housing or social security benefits. These are areas the VSO can direct the veteran to apply for other services. If the VSO only understands the federal side, then our agency is leaving veterans in the lurch.

This bill changes the requirement for the Director to pay a portion of the operating costs of a county VSO, if funds are available. This duty was added in

1997 during the Sixty-ninth Session. Money was never set aside. If the counties wanted to fund the coordinators, the counties could. It was an interesting testimony to read. It never came to fruition. This bill removes that language. Since then, counties have had county VSOs—Nye County had one, Washoe County has two. It is hit and miss. Since the Legislature does not give the NDVS funds for the counties, our agency has a centralized State VSO system. This change does not prevent a county from hiring a VSO but prevents the counties from calling the Director to ask for money, which does not exist, to pay for VSOs.

Assembly Bill 11 addresses certain responsibilities not captured in the Director's duties section to include operating veterans' cemeteries and veterans' homes. The responsibilities are in other places in statute. Over time, these missions were added and codified in different places in statute. This bill will put all the duties in one place and make for a nice, clean read. These are housekeeping changes to make the Director's responsibilities clear when looking at statute.

Assembly Bill 11 spells out the Director's responsibility to serve as the primary public advocate for Nevada veterans. This is a common phrase seen in other states for departments of veterans affairs. I checked with the Office of the Attorney General, and it has no objection to the language.

Sometimes, we get stovepiped in State government. Something might be happening in the Department of Employment, Training and Rehabilitation or in the Department of Health and Human Services related to a veteran, and the NDVS is chasing the tail of the dog and not sure what is going on. If an issue deals with a veteran in the State, the NDVS needs to be involved to be able to coordinate the activities. This bill states up front the responsibility of the Director is to serve as the primary public advocate within the State for State agencies.

A proposed conceptual amendment was submitted by Assemblyman Chris Edwards ([Exhibit D](#)). This amendment makes a couple of changes. It ensures each person participating as a veterans' advocate in a Department-sponsored volunteer program is assigned to a VSO employed by the Department to assist the volunteer. Our agency operates like this now, so the amendment poses no operational challenge. Second, the amendment provides semiannual training to each VSO employed by the Department regarding benefits, services, programs and assistance available to veterans. The NDVS

has no objection to this change. This change does not have an operational impact as the NDVS already provides this type of training.

SENATOR GOICOECHEA:

I assumed Assemblyman Chris Edwards would be discussing the amendment. I have to step out of the meeting and will miss his presentation.

Your response to his amendment is that you consider it a friendly amendment. Your agency is already doing most of the duties being assigned in statute. Is this correct?

MS. MILLER:

Yes. Our agency is already performing the duties. However, the next Director might choose not to do so. I consider it a friendly amendment and see no problem or challenge with adopting the amendment into this bill.

MARLA MCDADE WILLIAMS (Churchill County):

We support the changes in this bill related to the counties.

TONY YARBROUGH (Veterans of Foreign Wars; United Veterans Legislative Council):

The United Veterans Legislative Council is the umbrella group of all the veterans' organizations, military, families and advocates in the State. We support this bill, and it is good language.

ASSEMBLYMAN CHRIS EDWARDS (Assembly District No. 19):

Ms. Miller described the amendment in a simple, plain and clear manner. The amendment supports what NDVS does now and ensures NDVS continues to perform those duties in the future. It adds value to the Department and the State's ability to be effective for the veterans.

CHAIR PARKS:

Could you explain how the amendment changes the Assembly-approved A.B. 11?

ASSEMBLYMAN EDWARDS:

The amendment adds to the original bill by clarifying the duties and functions performed by VSOs. It makes sure the VSOs are getting trained on a semiannual basis. As Ms. Miller stated, the agency is already doing this, but we want to

ensure the agency continues to train semiannually in the future. Policies change, and the State needs to make sure the VSOs stay up to date with all the changes.

CHAIR PARKS:

This is something you considered after the Assembly processed A.B. 11?

ASSEMBLYMAN EDWARDS:

Yes.

CHAIR PARKS:

I note the vote on the bill in the other House was unanimous.

ASSEMBLYMAN EDWARDS:

Yes, it was.

MS. MILLER:

While this is a housekeeping bill, it is important. If I left the impression this bill will lessen our support to the counties, the opposite is true. Our department's responsibility is to make sure wherever veterans—and families—live or work are able to get support from us. Our agency has requested two additional VSOs in our budget bill to expand support to the rural areas, should it be approved.

CHAIR PARKS:

We are closing the hearing on A.B. 11 and opening the hearing on A.B. 12.

ASSEMBLY BILL 12: Revises provisions relating to veterans. (BDR 37-195)

MS. MILLER:

I will review information provided in my written presentation, Exhibit C. Assembly Bill 12 clarifies and updates obsolete provisions relating to veterans services. *Nevada Revised Statutes* (NRS) 417 discusses regulatory authority. The correct language for our agency is to adopt policies and procedures versus regulatory authority. This is a minor housekeeping change.

Nevada Revised Statutes 417 requires the Director to report on activities of all VSOs operating in Nevada. The Director can only collect data with assurance on our State VSOs. About half of the VSOs—14.5 VSOs—are State employees. The other 14 are nonprofits from groups such as the Veterans of Foreign Wars,

the Military Order of the Purple Heart and the Disabled American Veterans. The Director cannot compel the other groups to give data to the Director. In many cases, the groups will not give the data because it is protected information. This bill clarifies the Director only reports on VSOs employed or managed by NDVS.

Nevada Revised Statutes 417 also requires the Director to report on all veteran outreach events in the State. I recommend this be changed to report on all events sponsored or supported by NDVS. Our agency will not have knowledge of the many events conducted by other agencies and individuals in support of veterans. There are hundreds of events every month to support our veterans across the State. Our agency would not know about them, let alone be able to report on them.

The Seventy-ninth Legislative Session added language to NRS 417 establishing the qualifications for the NDVS Deputy Director for Health and Wellness. The intent was the employee have a minimum of four years of healthcare management or healthcare administrative experience. However, it is not clear healthcare administration is required as written—healthcare management or administration. As written, anybody who has four years of administrative experience qualifies. The statute needs to spell out healthcare management or healthcare administration to ensure we have the right qualification.

The Seventy-ninth Legislative Session also added a duty to NRS requiring the Director to assist LGBTQ veterans. A portion of the language is already addressed in the Director's duties section. Assembly Bill 12 strengthens the language directing NDVS to provide assistance by adding the words "without limitation" and takes away a laundry list of things already covered under duties, such as help people with claims.

I spoke with the Office of the Attorney General about this language. Jessica Adair, Chief of Staff, stated, "The language including without limitation and deleting the more restrictive list of requirements, actually, expands our scope of responsibilities toward LGBTQ veterans and makes NRS more responsive to the needs of this community." While the revision takes out some language, by adding the words—without limitation—it ensures the agency provides all support required to the community.

Nevada Revised Statutes specifies requirements for the locations at which meetings of the Veterans Services Commission (VSC) must be held. One is in

Reno and one is in Las Vegas. In this age of video or teleconferencing, the meetings should be held at the discretion of the VSC chair. The VSC chair agrees and requests the language be removed directing where the meetings occur.

Nevada Revised Statutes 417 discusses the use of volunteers for veterans' cemetery groundskeeping operations. Assembly Bill 12 removes the language concerning the use of volunteers for groundskeeping operations. Our agency uses volunteers throughout the year to help with general weed removal, raking and the like. As far as maintaining the grounds, that is a class specification and our agency has employees who perform those duties. Our employees use heavy equipment and must be trained to operate the equipment. Originally, when the language was put in statute, it was envisioned volunteers would maintain the cemetery and not State employees. Our agency does not operate that way.

SENATOR OHRENSCHALL:

If the language in section 6 is removed regarding volunteers, will there be concerns for volunteers who want to assist with weeding and the like? Will volunteers still be able to help?

MS. MILLER:

I have no concerns. We have volunteers who help throughout the agency: in our nursing homes, outreach events and cemeteries. This assistance is not specified elsewhere in statute. We have an extraordinarily active volunteer program with almost 800 volunteers. Taking this language out will not affect volunteers one whit.

CHAIR PARKS:

At one time, as far back as 1995 and 1996, the cemeteries had a work detail from Southern Nevada Correctional Center. The inmates were bussed in and worked on a regular basis. Does your agency still use inmate services, especially around Memorial Day, at the cemeteries?

MS. MILLER:

In southern Nevada, the Department of Corrections is supportive and our agency uses work details throughout the year. Northern Nevada is more challenging. On occasion, our agency has had work details from Carson City, but that is a long haul. Our agency is fortunate to have the Fallon Chief Petty Officers Association send work details to the Northern Nevada Veterans Memorial Cemetery in

Senate Committee on Government Affairs
April 15, 2019
Page 8

Fernley. The Southern Nevada Veterans Memorial Cemetery receives volunteer assistance from different active duty Air Force units and organizations stationed at Nellis Air Force Base in North Las Vegas. We have an outpouring of community support helping us in these areas.

MR. YARBROUGH:

This is an appropriate cleanup of the language. We support A.B. 12.

MS. MILLER:

I worked with the LGBTQ communities on this language in both northern and southern Nevada. I have their support as well as that of the American Civil Liberties Union. None of the organizations I reached out to had any problems whatsoever with the language.

CHAIR PARKS:

We will close the hearing on A.B. 12 and open the hearing on A.B. 381.

ASSEMBLY BILL 381: Designates April 16 as "Healthcare Decisions Day" in Nevada. (BDR 19-660)

ASSEMBLYWOMAN ROBIN L. TITUS (Assembly District No. 38):

I am presenting A.B. 381 which designates April 16 as "Healthcare Decisions Day" in Nevada.

Before I discuss the bill, I will provide background on the concept of Healthcare Decisions Day.

The National Conference of State Legislatures' (NCSL) Task Force on Innovations in State Health Systems explores issues and opportunities to reform state health systems. The Task Force, which consists of legislators and legislative staff from across the Country selected by NCSL leadership, meets two to three times per year to discuss state policy innovations. The Nevada members include Senator Julia Ratti and Marsheilah Lyons, Chief Principal Policy Analyst of the Research Division. The Task Force produced a report titled "Ten Strategies for Improving Health Care."

One of the top ten strategies in the report is improving end-of-life care. Some state legislators have designated April 16 as annual Healthcare Decisions Day. Healthcare Decisions Day is an initiative of The Conversation Project, which is a

public engagement initiative with the goal of having every person's wishes for end-of-life care expressed and respected.

The specific date—which is apropos for today—April 16, was chosen as a nod toward the old adage, "Nothing is certain but death and taxes."

Healthcare Decisions Day aims to provide clear, concise and consistent information on healthcare decision-making to the public, healthcare providers and facilities through the widespread availability and dissemination of free, simple and uniform tools to guide the process. It is another way to encourage and publicize the importance of completing advance directives.

According to The Conversation Project's National Survey in 2018, 92 percent of Americans say it is important to discuss his or her wishes for end-of-life care; however, only 32 percent have had such a conversation. When asked, 95 percent of Americans say he or she is willing to talk about his or her wishes, and 53 percent even say he or she would be relieved to discuss it.

Healthcare Decisions Day helps to initiate those conversations.

The aim of this bill is to designate April 16 of each year as Healthcare Decisions Day in the State. By making this decision, we bring awareness to this important issue and help individuals, families, providers and communities to have these difficult, but necessary, conversations to provide end-of-life care with dignity and respect for the patients' wishes.

I encourage you to support this effort and will show a short video regarding the subject.

The video is labeled Imagine on the following website <www.nhdd.org>. The video encourages talking to family members and healthcare teams regarding advance care planning, medical treatments and end-of-life preferences. This includes one's wishes regarding spiritual support, having family nearby or being at home. Ninety percent of Americans have heard of a living will; 71 percent have thought about end-of-life preferences; but only 29 percent had a living will. A person should name a substitute decision maker—someone who can speak for him or her when a person cannot speak for himself or herself.

If possible, wishes should be put in writing. The name of a person's substitute decision maker can be kept on a wallet card in case of emergencies. Every person should make sure his or her voice is heard. Advance care planning materials and resources are available at <www.nhdd.org>.

ASSEMBLYWOMAN TITUS:

A national organization and a National Healthcare Decisions Day is already established regarding healthcare decisions. A lot of resources can be used from the organization's website for education and awareness, such as the video shown today and three or four other videos.

Hospice associations and the Provider Orders for Life-Sustaining Treatment (POLST) associations have established this day, but this bill will bring it to Statewide attention and designated as such. The Nevada POLST form 090817 is a healthcare decision tool for healthcare professionals to use with family members and is something the Legislature revised last Session. Information regarding the Nevada POLST process is available on the website <www.nevadapolst.org>. It is a way for a provider to discuss these issues with patients' families. "It is one thing if you literally drop dead and there you go, whether you want CPR or not." But what happens if a person becomes unconscious or so ill he or she cannot voice his or her opinion any longer? A lot of things are done in health care besides resuscitation, whether a person wants IV fluids, IV antibiotics or a feeding tube. A person needs to have the conversation and not let others make that decision.

The bill is one page. It designates April 16 as Healthcare Decisions Day.

SENATOR JULIA RATTI (Senatorial District No. 13):

I was part of the NCSL Task Force on Innovations in State Health Systems and this was an idea endorsed by the Task Force. I support Healthcare Decisions Day.

JOANNA JACOB (Dignity Health - St. Rose Dominican Hospitals):

Through the years, our organization has worked on palliative care and raising awareness to healthcare decisions in the State. I worked with Senator Joyce Woodhouse last Session on setting up the State of Nevada Advisory Council on Palliative Care and Quality of Life. This is an important issue to our hospital system. Our hospitals offer palliative care services to any patient in our system, regardless of whether he or she is terminally ill. We are

supportive of bringing Statewide attention to the importance of this conversation and how important it is to families and patients. We support A.B. 381.

CHAIR PARKS:

In today's *The Washington Post*, there is an article about how things are changing in society, and one change is in funerals. A larger number of individuals are passing away. The article says end-of-life ceremonies are being personalized, and it is not just for those who are rich and famous. Average families want to change how it has been done in the past. This is an interesting article.

ASSEMBLYWOMAN TITUS:

I appreciate your hearing the bill. Have the conversation.

CHAIR PARKS:

We will close the hearing on A.B. 381.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 381.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GOICOECHEA WAS EXCUSED FOR THE VOTE.)

* * * * *

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

Senate Committee on Government Affairs
April 15, 2019
Page 12

CHAIR PARKS:
This meeting is adjourned at 3:22 p.m.

RESPECTFULLY SUBMITTED:

Becky Archer,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 11 A.B. 12	C	3	Katherine Miller / Department of Veterans Services	Presentation
A.B. 11	D	1	Katherine Miller / Department of Veterans Services	Proposed Conceptual Amendment by Assemblyman Chris Edwards