



**Advisory Committee on Problem Gambling
Legislative Workgroup Work Session
Meeting Minutes
Thursday, December 10, 2020
11:00 a.m. to Adjournment**

This meeting is being held in compliance with Declaration of Emergency Directive 006.

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Note: Agenda items may be taken out of order, combined for consideration, and or removed from the agenda at the chairperson's discretion

1. Call to order/roll call – *Stephanie Goodman, Chair*

Members Present: Alan Feldman, Stephanie Goodman (Chair), William Theodore Hartwell, Constance Jones, Carol O'Hare, and Dr. Rory Reid

Absent Members: Denise Quirk

Nonmembers: Donna Meyers, Reno Problem Gambling Center; Andrea Dassopoulos . UNLV IGI; Kim Garcia, BHWP; Cari Moss, BHWP; Trey Delap, Group 6 Partners; Dr. Jeff Marotta, Problem Gambling Solutions.

2. Public comment – *Stephanie Goodman, Chair*
(Action may not be taken on any matter brought up under this agenda item until scheduled on an agenda for a later meeting)

None

3. For possible action: Discussion and Possible Recommendations for Legislative Strategies -*Stephanie Goodman, Chair*

Chair Goodman wanted to share a few points as this is our first meeting, we know that is going to be a challenging session. We need to set our priorities. The first priority is to be able to maintain current funding but this is going to be a challenge, Referring money back to the gaming control board and addressing supervisory capacity issues.

Dr. Reid agreed that these are all very important things. Looking into the different funding mechanisms sounds great. The remote supervision is a priority and he is currently going through CASAT and wants to help with supervision issues, this will allow him to be at a supervisory capacity to assist with this issue. He stated that this is crazy that in this day in age that this is still a requirement to have them onsite.

Chair Ms. Goodman stated that Ms. Quirk stated that there have been some mishaps in years past with supervision. If it is possible to pay for lobbyist and not sure if there are funds to pay for them and you get what you pay for. I have spoken to one of my donors at the Sands and they might be able to help pay for something.

Ms. Jones stated the past funding model was \$2 per slot machine was a funding model that went through the gambling control board so that we didn't have to go the legislation asking for money. The number of slot machines was dwindling, a request to change the funding model from a per slot to a percentage of total revenue would have been a more equitable solution. Currently there are far fewer slot machines in the city then there has ever been and do not think that the old funding model is a good idea and don't think the legislator and the Gaming Control Board would buy into it and we are going to have to fight like crazy to keep the money that we got. Chair Goodman asked if there was an ability to revert the money and if there might be other options at this time. Ms. Jones stated that she felt that at this time there would be push back from the legislators and Gaming control board. We need to express the importance of problem gambling services to the department and that we need to have the department heads in touch. The legislators look at how much money is in the account and if we have money sitting

in the accounts, they will assume that we have money and don't need any additional funds.

Mr. Hartwell states that we need to keep what we got. Also, that we need to make sure that an 80% proposal of a budget reduction doesn't happen again. We just need to have a more proportionate reduction like 14% that was implemented to other budgets, but we ended up around a 40% reduction. Preparing freshman legislators and make sure that we are providing the information to them. A freshman legislator that prevented the suggested proposed percentage and didn't prefer to earmark funds.

Ms. O'Hare agrees that we need to secure and stabilize funding is a priority. Have the money going back to the Gambling Control board I think that it is too volatile currently. We know that we are in the general funding and know what funds are available and we know what we must do. The supervision mishaps had nothing to do with the problem gambling, this was strictly Drug and Alcohol interns were opening shops on their own.

Mr. Feldman stated that the priorities are the level of funding and source of funding. We must deal with the funding level and sources. We have had a meeting with department heads. LCB put their numbers out last week and were less bad than I thought that they were going to be. They were only about 4% less than the prior budget. Mr. Feldman request if he could refer to Ms. Garcia with what discussion have been had on the department level. Ms. Garcia stated that the department has submitted the budget to the governor's office. The governor has requested publicly to all departments a reduction of 12%. Ms. Garcia stated that she didn't have the answer for Mr. Feldman but didn't think that the budget was going to take a 12% reduction that was asked for by the governor. Mr. Feldman asked are we going to have to ask for what we want or is the department going to provide this dollar amount and we need your help. We need to know what our starting point is.

Ms. O'Hare want to know who can advocate for the program and wants to know who will be the there to educate. We must be reactive with the last session and to become collaborative and not become proactive without the department. Ms. Garcia requested that this committee to prepare talking points. Ms. O'Hare stated that it is scary that you are asking for talking points and if they get into someone hand that doesn't understanding can be detrimental.

Ms. Jones asked Alan Feldman and what is the source of funds. Ms. O'Hare stated that other funding sources promotes gift and grants into the fund. That was setup into the NRS. Mr. Feldman suggested that the staying in the General Fund currently which is the most reasonable thing to do at this time; however to a discussion the new gaming control chair and two other members to begin to start

to explore the possibility of what does a funding directly from the gambling control board look like . The starting point for the discussion is the money is earmarked through with gambling control board to the state through the department and then gets spent the way that the advisory committee suggests. I think for both political and practical reasons it is a significant better look for the state to be in a position to say that a portion on all proceeds related to gaming in the State of Nevada are set aside for treatment, education, awareness, research and prevention. Ms. Jones stated that legislator stating that she doesn't want to earmark funds. Mr. Feldman is of the view of trying to make that change right now is not that the stated that opposition of earmarking it pretty much locked in right now and I think that if we start laying the ground work now for a change in that we might be looking at that possibility the subsequent legislation. Chair Goodman stated that as me move forward we need to think of problem gambling as we think of gaming. If we are thought leader in gaming, we need to be the thought leaders in problem gambling. I do feel that all works together and need to move forward. The feedback from the industry is that this needs to be part of the corporate culture and right now is not the time to talk about this as they are just trying to stay above water.

Ms. O'Hare fells that is before we lay the groundwork with the board for the funding sources with the gambling control board, we need to lay the groundwork on problem gambling. They don't have a clear understanding with problem gambling they interchange responsible gaming with problem gambling as if the buzz word responsible gaming covers it all, and don't understand it as a behavioral health disorder.

Mr. Feldman ask Chair Goodman about the cost of a lobbyist is \$21,000. Chair Goodman confirmed that the cost was \$3500 per month for 6 months. She stated that one of her board members and is from the Sands and that they would be willing to working with us. The lobbyist is also the Sands lobbyist. Ms. O'Hare stated it is not about who the lobbyist is, we just need to have them educated on problem gambling and who we are and dialed in to what this is. Chair Goodman stated that she doesn't think that the educated beforehand is as important and the want to care. She stated that she felt that he would be a great person.

Mr. Hartwell stated that we need to make sure that we must educate the legislators. I think that we need to reach out to them. Mr. Feldman want to reach out to them and say thank for your support.

Chair Goodman asked that how we move forward. We have new members and we need to educate them. Mr. Feldman stated that you are more than welcome to reach out. Mr. Hartwell want to know if you would like Jeff and I to update the reversion of the one-pager. Mr. Feldman stated that chart for the position of the state of Nevada compares to other states and the information that Andi provided with one pager that had the human effect. Ms. Jones stated that we need to make

sure that they are aware of the funding cuts. Ms. O'Hare stated that our funding is one of the only of general fund programs that is within the department that is not attached to federal funding. Chair Goodman suggested a minute video and we can use KPS for videos. Dr. Reid stated that we can use his equipment to process a video. Ms. O'Hare wants to include the everyone not just treatment. Chair Goodman stated that we are will move forward.

Ms. Garcia asked if Dr. Marotta and Mr. Hartwell would work on the talking points. Ms. Dassopoulos stated that she would work on the one-page document.

Chair Goodman asked is we can pay for a lobbyist out of the problem gambling funds. Ms. Garcia stated that they can't be paid through the funds. Ms. O'Hare asked if the ACPG is able to have a lobbyist. Mr. Feldman stated that we he didn't think that we have authority to have a lobbyist. He stated that we could possibly do it indirectly. Mr. Hartwell would need to be indirectly ask of the currently lobbyist in different avenues. Ms. O'Hare stated that the ACPG is not an entity that can directly have a lobbyist.

4. For possible action: Approval of the Next Meeting, Future Meeting Agenda Items
Stephanie Goodman, Chair

Chair Goodman stated that we should have another meeting once the state of the state if address by the governor which would be mid-January. She stated that she would work with Ms. Garcia to get this scheduled.

5. Public comment - *Stephanie Goodman, Chair*
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Trey Delap Group 6 Partner

Would like to give feedback and that many organizations are having the same conversation that you are currently having. This group has a problem gambling day in the books in Carson City to hand out information in support but and it is not lobbying. Let me explain with an example, if you are Tesla you are going to pay a premium to get a lobbyist and an army of people are going to get your bills past one way or another. Not a very minimized by public engagement. This group of people here represents several different organizations effected by problem gambling so there is an awareness piece. The instincts that you all displayed are completely right now such as freshman orientation for new legislators, one pagers, back ground sheets, highlights of problem gambling in Nevada, issues from last session, what is the clarification of the details and all of that communication can be done by a nonprofit and it is not lobbying. This is where the key detail is, 501(c)3's is pretty clear on this and there are some resources of that really to point out what is a lobby and what is not lobbying and when a trigger occurs. One of the registrations that is available in Nevada is a non-profit

lobbyist or volunteer and the key distinction is if you are advocating for the passage or defeat of a bill you're now lobbying, but if your giving information or organizing information that is expected under IRS code 501(c)3. Lobbyist trigger for a substantial means. Highly stigmatic conditions, this is public comment, and this is my opinion that problem gambling is even an issue with addiction. So there has been some great work done in destigmatizing but there is still more to be done. You also have a structural issue on the way funding has happened through the slot tax, the new thing and the other thing and you realize the power of your collective voice by a bunch of people doing little and how you were able to safe yourself in the special session, so you already know how to do all of that. The investment in high quality media assets such as impactful videos and good infographics it pays out dividends so this information that you can completely legally gather and present in a format at his distributable is very compelling and interesting. So, the other detail for those who you hire a lawyer we do not have a system if you are being prosecuted by the district attorneys you can't hire the assistant district attorney to defend you. One thing to keep in mind if you are a pro-bono client you will always be a pro-bono client. If there is ever a conflict, what I would want to put on the radar is that it is tempting to cozy up a gaming lobbyist organization, but here is the conflict adherent to that process if I'm representing as a lobbyist a payer of taxes though gaming taxes and I'm also representing the recipient of those taxes I'm going to favor my paying client over my pro-bono client but what I should really do disclose the conflict because you can't simultaneously advocate for bills and against them. Another that that happens is lobbyist introduced a bill with the intention of defeating it. This is a no no. The department is an interesting resource as it was noted during this discussion. In a vacuum they will rely upon the people that are talking and state representative of DHHS whom ever they are, are going to be considered accurate and legitimate unless there is another piece of information. The collateral impact of this groups during the special session illuminated the head of DPBH came to this committee and said that I'm so sorry and I have had no clue what you are doing and we are going to try to fix that. That is also an interesting piece, the governor office usually controls who speaks about what, In the Sandoval era there was a rigid code of silence and it was because the legislators with a little bit of experience would pick there favorite bureaucrat and get information and it would conflict with the heads of the department. So, this flow of information changed where nothing could be uttered or said unless is was approved by the governor's office. That is just another piece. I have seen as things are unraveling, I mean raveling getting prepared there are so many unknowns and this group identified the unknowable it is not really clear what kind of physical engagement where will be in Carson City that in an interesting twist for the uber geeks out the committee to consult with director of the Legislative Counsel Bureau was not able to come to a conclusion on exactly what will happen as far as access to the building and what lobbying is, that will be punted to the legislator it self to deal with that. But the think that you are every much aware of is to have a guy on the ground or person on the ground that can get you into the conversation if it is happening in the hallway is the magic piece. What I have offered to a number of organizations that are in the same situation here is really coordinated collection analysis of information is something that each of you can be a piece of and just needs to be organized and coordinated and that is how you can increase the ability and catch things that you are monitoring. That information can also be completed by a 501(c)3 as it is a collection of services as intelligence is key there. From my perspective, I think that you all have the right thing going on here. The summary of my comments would be high quality media simple to comprehend and understanding that when we talk about alcohol and drug addiction there is references in most people, when we are talking about

gambling use disorder it is a dark place and the consequences are uncorrelated. The final point is that the bear minimum I think that it was mentioned earlier and very aggerating when the words problem gaming and responsible gaming are used as if that is the right pc way to say it. Gambling is Gambling, Wagering is Wagering, why are we scared of these words. Even if that was the core like bridge to the 21st century that statement is talking about gambling is gambling, gaming is machines and stuff, but the wagering experience is gambling. That could be a very simple, non-offensive, not bill related advocacy point to sort of focus on. Another point with scarce resources or with the ability to reprint you then you can make the message very simple, very tiny an the be prepare for stuff and you already know that from last session. This is an interesting time for us all and I think that with leadership and coordination will be your best assets. Good Luck.

Mr. Hartwell would like to respond to Trey's comment on a couple of things regarding the lobbyist who are the generator of the tax revenue and thus who would be the beneficiaries of it, I would just highlight the fact of that as of no point to date has the Problem gambling fund been generated as a result of a tax on the industry. That has always been carved out of the general fund as a part of this formula but has never represented an additional tax on the industry. I have my own philosophical issues with that I think that it should be clear contribution from both the state and industry but as of may is not an inherent conflict of interest as that story exists today. Thank you, Kim, for the scheduling the meeting via teams it is much better than the phone call meeting.

Ms. O'Hare would like to comment on the problem gambling advocacy day at the legislator but I'm hopeful and will be reaching out to Trey for idea on how to translate the goal. Trey got the room reserved . We do not lobby we advocate and educate. There are many people that wonder the halls and what that might look like and coordinate for that day and leverage to information that we are working. March 18th is the date.

6. Adjournment – Stephanie Goodman, Chair

Motion to adjourn at 12:40 pm by Ms. O'Hare and seconded by Mr. Hartwell.

On the internet – agenda and supporting materials

- **Department of Health and Human Services Nevada Division of Public and Behavioral Health (DPBH) Website**
http://dpcbh.nv.gov/Programs/ProblemGambling/ACPG/ACPG_Mtgs2020/
- **Nevada Public Notices:** www.notice.nv.gov

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If you need supporting documents for this meeting, please notify Tammy Saling, Bureau of Behavioral Health Wellness and Prevention, at 775-684-4095 or by email at tsaling@health.nv.gov.