

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

**Seventy-fifth Session  
February 4, 2009**

The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 1:33 p.m. on Wednesday, February 4, 2009, in Room 2144 of the Legislative Building, Carson City, 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 John J. Lee, Chair  
Senator Terry Care, Vice Chair  
Senator Steven A. Horsford  
Senator Shirley A. Breeden  
Senator William J. Raggio  
Senator Randolph Townsend  
Senator Mike McGinness

**STAFF MEMBERS PRESENT:**

Heidi Chlarson, Committee Counsel  
Michael Stewart, Committee Policy Analyst  
Chase Kaiser, Intern, University of Nevada, Reno  
Julie Newman  
Gena Plummer  
Cynthia Ross  
Olivia Lodato, Committee Secretary

**OTHERS PRESENT:**

Allen Biaggi, Director, State Department of Conservation and Natural Resources  
Pete Anderson, State Forester Firewarden, Division of Forestry, State  
Department of Conservation and Natural Resources  
James M. Wright, Chief, State Fire Marshal Division, Nevada Department of  
Public Safety  
Jodi Stephens, Legislative Director, Office of the Governor, State of Nevada  
Molly Conklin, Vice President, The Ferraro Group, Edgewood Companies

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Jenny Welsh Reese, Government Affairs Director, Carrara Nevada  
Russell D. Smith, District Attorney, Humboldt County

Chair Lee opened the meeting of the Senate Committee on Government Affairs with the introduction of former Senator Coe Swobe. He also introduced the staff of the Committee. Chair Lee referred to the Senate Committee on Government Affairs Rules for the 2009 Session ([Exhibit C](#)).

SENATOR CARE MOVED TO ADOPT THE SENATE COMMITTEE ON  
GOVERNMENT AFFAIRS RULES FOR THE 2009 SESSION.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Lee mentioned work session bills were not posted on the agenda. He said the bills were posted in the office window as soon as possible.

Michael Stewart, Committee Policy Analyst, gave an overview of the Committee Policy Brief, Senate Committee on Government Affairs ([Exhibit D](#), original is on file in the Research Library). He referenced the jurisdiction of the Committee, a listing of the topics heard and the number of bills heard in the previous session. He included tables referring to population ranges in the cities and counties of Nevada. Mr. Stewart pointed out the key deadlines for the Committee. He concluded his presentation, saying the Research staff was able to provide assistance on any issue related to matters before the Committee.

Senator Care asked Mr. Stewart about the population range shown in the table on page 7 of [Exhibit D](#). He asked if the figures from the last census were always used for reference.

Mr. Stewart replied that in 2011, all bills tied to the population ranges will be based on the 2010 census.

Chair Lee opened the discussion on Senate Bill (S.B.) 94.

**SENATE BILL 94**: Imposes various requirements relating to fire protection in the area of the Lake Tahoe Basin located in this State. (BDR 42-444)

Allen Biaggi, Director, State Department of Conservation and Natural Resources, said Jodi Stephens, Legislative Director, Office of the Governor, State of Nevada, was present at the table.

Mr. Biaggi read his testimony concerning S.B. 94 ([Exhibit E](#)). He mentioned the Lake Tahoe Basin had multiple problems, including lack of recognition of the role of fire in the Basin's ecosystem, inconsistent and overly complicated regulatory controls, and lack of funding for forest maintenance and management.

Mr. Biaggi said Governor Jim Gibbons and Governor Arnold Schwarzenegger established the California-Nevada Tahoe Basin Fire Commission, which reviews the laws, practices and policies affecting the Tahoe Basin. He said a diverse group met, including Senator Coe Swobe, the father of the Tahoe Regional Planning Agency. He said the group presented 48 findings and 90 specific recommendations to the Governors.

Mr. Biaggi referred to Recommendation 37 of The Emergency California-Nevada Tahoe Basin Fire Commission Report ([Exhibit F](#)). He said it was the genesis of S.B. 94. Specific language in S.B. 94 raised concerns. He suggested Mr. Anderson and himself work on achieving a consensus piece of legislation for the Committee.

Senator Raggio asked Mr. Biaggi what concerns needed addressing.

Mr. Biaggi said some of the concerns related to the adoption of certain codes and was never intended in the original proposal. He said sprinklers for personal residences were never the intention of S.B. 94. He added there were also concerns about adoption of California requirements.

Senator Raggio asked if there were requirements for Nevada to conform to the California law.

Mr. Biaggi said they hoped to conform as much as possible to the California requirements. The Tahoe Basin Fire Commission learned there were a number of regulatory conflicts throughout the Basin. He said homeowners were confused about how to create defensible space on their properties. The intent of S.B. 94

was a single, concise, common set of defensible-space regulations within the Basin.

Senator Care asked about residential sprinklers. He asked if sprinklers were the distinction between the *International Wildland-Urban Interface Code* and the *International Fire Code*.

Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources, said the *International Fire Code* was made up of a number of different building codes. The focus and intent for S.B. 94 was vegetation management. He said the bill was not a sprinkler-related issue.

Chair Lee stated he had an amendment from the Builders Association of Northern Nevada (BANN) ([Exhibit G](#)).

Mr. Anderson replied he planned to meet with members of BANN so they understood the differences between the codes.

Chair Lee referred to the last page of [Exhibit G](#) concerning the State Fire Marshal. He asked when the State Fire Marshal had a subservient role to the State Forester Firewarden.

Mr. Anderson replied the Fire Marshal and the Forester Firewarden were equals. He said cooperative efforts focused on comprehensive matters rather than the discrepancies between the two sets of statutes.

James M. Wright, Chief, State Fire Marshal Division, Nevada Department of Public Safety, said the role of the State Fire Marshal was establishing the base minimum fire code across the State. He said the Fire Marshal's regulations had a section stating they cooperated with the State Forester Firewarden in developing regulations for wood or roofing materials. The proposed bill expanded the section to include the vegetation hazard risk component of the adopted fire code.

Molly Conklin, Vice President, The Ferraro Group, representing Edgewood Companies, said her company supported the legislation in S.B. 94.

Jenny Welsh Reese, Government Affairs Director, Carrara Nevada, represented the Nevada Association of Realtors and requested inclusion in the group that reexamined the bill. She said her organization had some concerns about the bill.

Chair Lee closed the hearing on S.B. 94 and opened the hearing on S.B. 96.

**SENATE BILL 96**: Makes the District Attorney of Humboldt County the ex officio Public Administrator of Humboldt County. (BDR 20-374)

Russell D. Smith, District Attorney, Humboldt County, said the bill added Humboldt County as one of the existing three counties where district attorneys serve as ex officio public administrators. He said the County's public administrator resigned in the middle of a term. The District Attorney's Office learned problems existed, and the decision was made to have the District Attorney's Office take over the Public Administrator's duties. He said S.B. 96 only affected Humboldt County. The County Commissioner's Office and the District Attorney's Office desired the passage of S.B. 96.

Senator Care asked if a change in anyone's compensation occurred with the passage of S.B. 96.

Mr. Smith replied S.B. 96 affected compensation. He said public administrators made their money from the remainder of the estates they handled. Mr. Smith said the District Attorney's agreement with Humboldt County was that another position would be made available in the District Attorney's Office and paid for by the County. In exchange, any funds left over from estates went to the County's General Fund. Mr. Smith said one reason public administrators across the State were indicted was because they made their money off the estates, which raised questions. The person hired for his office was not compensated from the estate.

Senator McGinness said a county he represented had the public administrator indicted. He asked if there was a reason to disallow any county from opting into the bill.

Mr. Smith said Assemblyman Pete Goicoechea had a bill allowing the district attorney of every county to act as the public administrator. He said it was a nonelected position. He said Bill Draft Request (BDR) 231 was not yet out of Legislative Counsel Bureau. Mr. Smith said Humboldt County was willing to

combine all the bills if their needs were met. He said BDR 181 was also being written.

Senator McGinness said the public administrator's duties had become a problem in various counties. He said it was advantageous for someone to take something from the estate.

Mr. Smith agreed. He added some district attorneys were not interested in having the public administrator's duties in their office. He said the Mineral County District Attorney did not want further responsibility. He added S.B. 96 met the needs of Humboldt County without impacting anybody else.

Chair Lee asked if there were any further comments on S.B. 96. As there were none, he closed the hearing on the bill and adjourned the meeting at 2:08 p.m.

RESPECTFULLY SUBMITTED:

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Olivia Lodato,  
Committee Secretary

APPROVED BY:

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Senator John J. Lee, Chair

DATE: \_\_\_\_\_