EXEMPT

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT **A.B. 285**

ASSEMBLY BILL NO. 285–COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF ENVIRONMENTAL IMPROVEMENT PROGRAM OF THE TAHOE REGIONAL PLANNING AGENCY)

FEBRUARY 19, 1999

Referred to Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means

SUMMARY—Establishes program to protect Lake Tahoe Basin. (BDR S-459)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

AN ACT relating to the Lake Tahoe Basin; requiring the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources to coordinate the development and implementation of a program for the protection of the Lake Tahoe Basin; authorizing the issuance of general obligation bonds and providing for legislative appropriations to carry out the program; creating the fund to protect the Lake Tahoe Basin; authorizing the Administrator of the Division of State Lands to issue grants to carry out the program; and providing other matters properly relating thereto.

WHEREAS, In 1997, the Federal Government, the States of Nevada and California, the Tahoe Regional Planning Agency, local governments of the States of Nevada and California and many other interested parties held a series of meetings which are referred to collectively as the Presidential Forum; and

WHEREAS, The meetings culminated in July 1997, with visits to Lake Tahoe from the President and Vice President of the United States and with the release of a Presidential Executive Order to protect the unique and irreplaceable natural, recreational and ecological resources in the Lake Tahoe Basin; and

WHEREAS, In October 1997, Governor Bob Miller, on behalf of the State of Nevada, signed a Memorandum of Agreement between the Federal Interagency Partnership on the Lake Tahoe Ecosystem, the States of

Nevada and California, the Washoe Tribe, the Tahoe Regional Planning Agency and interested local governments, in which the parties affirmed their commitment to the Tahoe Regional Planning Compact, to the sound management and protection of the resources within the Lake Tahoe Basin and the support of a healthy, sustainable economy and to achieve environmental thresholds for Lake Tahoe, and agreed to cooperate to carry out, including, without limitation, providing money for, the Environmental Improvement Program; and

WHEREAS, The costs of carrying out the Environmental Improvement Program have been apportioned between the Federal Government, the States of Nevada and California, local governments and private property owners within both states; and

WHEREAS, The cost of carrying out the Environmental Improvement Program apportioned to the State of Nevada and its political subdivisions is $82,000,000 for a period of 10 years, commencing with fiscal year 1997-98 and ending in fiscal year 2006-07; and

WHEREAS, The State of Nevada and its political subdivisions have already raised approximately $25,600,000 to meet their commitment, which includes $20,000,000 from bonds issued to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin, which were approved by the voters of this state in 1996; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources in cooperation with other state agencies, shall coordinate the development and implementation of a program of environmental improvement projects for:

(a) The protection and enhancement of the quality of the air and water;

(b) The protection and restoration of natural watercourses, wetlands, wildlife habitat, fisheries, vegetation and forests;

(c) Prevention and control of erosion; and

(d) Enhancement of recreational and tourism opportunities,

in the Lake Tahoe Basin.

2. Money to carry out the program in an amount not to exceed $3,200,000 must be provided for the period between the fiscal year beginning on July 1, 1999 and the fiscal year ending on June 30, 2001, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than $3,200,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this subsection must be deposited in the fund to protect

the Lake Tahoe Basin created pursuant to section 2 of this act and, except as otherwise provided in this subsection, must be used as follows:

(a) Sand Harbor Visitor/Administrative Center BMPs $1,000,000
(b) North Canyon Hiking Trail 15,000
(c) Sand Harbor Erosion Control 100,000
(d) Upland Wildlife Habitat Enhancement 66,000
(e) North Canyon Old Growth Habitat Restoration 130,000
(f) Forest Restoration - Phase I 1,500,000
(g) Sand Harbor-Memorial Point Trail 56,000
(h) Hidden Beach Rehabilitation, BMPs 106,000
(i) Sugar Pine Old Growth Habitat Restoration... 75,000
(j) Project contingency 152,000

If an amount authorized pursuant to this subsection is insufficient to allow the completion of the project for which it is authorized, the Interim Finance Committee, upon the request of the Division of State Lands of the State Department of Conservation and Natural Resources, may increase the amount authorized for the project and offset the increase by reducing the amount authorized for another project or projects pursuant to this subsection by the amount of the increase. The Division of State Lands may use money authorized pursuant to this subsection for a project other than a project listed in this subsection if the Interim Finance Committee approves such a use in writing before the Division engages in the project. The Division of State Lands may allocate money pursuant to paragraph (j) without the prior approval of the Interim Finance Committee.

3. Money to carry out the program in an amount not to exceed $53,200,000 must be provided for the period between the fiscal year beginning on July 1, 2001, and the fiscal year ending on June 30, 2007, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than $53,200,000. With the prior approval of the Legislature or the Interim Finance Committee, the bonds may be issued from time to time pursuant to a schedule established by the Administrator of the Division of State Lands. The provisions of NRS 349.150 to 349.364, inclusive, apply to the issuance of bonds pursuant to this subsection.

4. The amount of bonds authorized by subsection 3 must be reduced by the amount of any money appropriated by the Legislature for the same purpose upon certification by the Administrator of the Division of State Lands of the amount of each such appropriation to the State Board of Finance. The Administrator of the Division of State Lands shall submit a request to the Legislature each biennium, as necessary, for an appropriation for the program.

5. The Administrator of the Division of State Lands may adopt such regulations as are necessary to carry out the program.

Sec. 2. 1. The fund to protect the Lake Tahoe Basin is hereby created in the state general fund. The Administrator of the Division of State Lands shall administer the fund.

2. All money that is collected for the use of the program established pursuant to section 1 of this act, including, without limitation, an appropriation made by the Legislature and the proceeds of any bonds issued pursuant to section 1 of this act, after deducting any applicable charges, must be deposited in the fund.

3. Any interest or income earned on the money in the fund must be credited to the fund. Any money remaining in the fund at the end of the fiscal year does not lapse to the state general fund but must be carried over into the next fiscal year.

4. All claims against the fund must be paid as other claims against the state are paid.

5. The Administrator of the Division of State Lands may use the proceeds from any bonds issued pursuant to section 1 of this act or may request an appropriation to defray the costs of administering the program if the money in the fund is not sufficient.

6. The Administrator of the Division of State Lands shall report semiannually to the Interim Finance Committee concerning the establishment and administration of the program and the expenditure of money from the fund for the program.

Sec. 3. The Administrator of the Division of State Lands may issue grants to state agencies and local governments to carry out the program established pursuant to section 1 of this act. The Administrator shall adopt such regulations as are necessary for awarding the grants. The regulations must:

1. Set forth the procedure for applying for a grant;
2. Set forth the criteria that will be considered in awarding a grant; and
3. State whether and the extent to which an applicant must match any money awarded.

Sec. 4. The Legislature finds and declares that the issuance of securities and the incurrence of indebtedness pursuant to this act:

1. Are necessary for the protection and preservation of the natural resources of this state and for the purpose of obtaining the benefits thereof; and
2. Constitute an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the Constitution of the State of Nevada.

Sec. 5. This act becomes effective on July 1, 1999.

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