

SENATE BILL NO. 510—COMMITTEE ON FINANCE

(ON BEHALF OF BUDGET DIVISION)

MARCH 22, 1999

Referred to Committee on Natural Resources

SUMMARY—Authorizes peace officers to enforce certain ordinances adopted by Tahoe Regional Planning Agency. (BDR 22-1678)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to regional planning; authorizing peace officers to enforce certain ordinances adopted by the Tahoe Regional Planning Agency; providing a penalty; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 277 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 ***1. Every game warden, sheriff and other peace officer of this state***
4 ***and its political subdivisions shall enforce within the portion of the***
5 ***region that is within this state, any ordinance adopted by the Tahoe***
6 ***Regional Planning Agency which prevents pollution of the waters of this***
7 ***state within the region.***

8 ***2. A peace officer may at any time stop and board a vessel which is***
9 ***located upon the waters of this state within the region to determine***
10 ***whether the vessel is in compliance with an ordinance described in***
11 ***subsection 1.***

12 ***3. If a peace officer has probable cause to believe that a vessel or its***
13 ***contents contain evidence tending to show that an ordinance described in***
14 ***subsection 1 has been violated, or that a particular person has violated***
15 ***such an ordinance, the officer may take whatever steps are reasonable to***
16 ***preserve the evidence, including, without limitation, the safe storage of***
17 ***the vessel or its contents. If a criminal conviction is obtained as a result***

1 *of an action taken pursuant to this subsection, the person convicted shall*
2 *pay any storage fees incurred pursuant to this subsection. If a criminal*
3 *conviction is not obtained, the Tahoe Regional Planning Agency shall*
4 *pay those fees.*

5 *4. Whenever a person is halted by a peace officer for a violation of*
6 *an ordinance described in subsection 1, the person shall, in the discretion*
7 *of the peace officer, either be given a citation or be taken without*
8 *unnecessary delay before the proper magistrate. Such a person must be*
9 *taken before the magistrate:*

10 *(a) When the person does not furnish satisfactory evidence of identity;*
11 *or*

12 *(b) When the peace officer has reasonable and probable grounds to*
13 *believe the person will disregard a written promise to appear in court.*

14 *5. A person who violates an ordinance described in subsection 1 is*
15 *guilty of a misdemeanor.*

16 *6. As used in this section:*

17 *(a) "Region" has the meaning ascribed to it in NRS 277.200.*

18 *(b) "Vessel" means every description of watercraft used or capable of*
19 *being used as a means of transportation on water.*

20 *(c) "Waters of this state" means any waters within the territorial limits*
21 *of this state.*

22 **Sec. 2.** NRS 277.207 is hereby amended to read as follows:

23 277.207 All judicial actions and proceedings in which there may arise
24 a question of the validity of any matter under the provisions of NRS
25 277.190 to 277.220, inclusive, *and section 1 of this act*, shall be advanced
26 as a matter of immediate public interest and concern, and be heard at the
27 earliest practicable moment.

28 **Sec. 3.** NRS 171.106 is hereby amended to read as follows:

29 171.106 If it appears from the complaint or a citation issued pursuant
30 to *section 1 of this act or* NRS 484.795, 488.920 or 501.386, or from an
31 affidavit or affidavits filed with the complaint or citation that there is
32 probable cause to believe that an offense, triable within the county, has
33 been committed and that the defendant has committed it, a warrant for the
34 arrest of the defendant shall be issued by the magistrate to any peace
35 officer. Upon the request of the district attorney a summons instead of a
36 warrant shall issue. More than one warrant or summons may issue on the
37 same complaint or citation. If a defendant fails to appear in response to the
38 summons, a warrant shall issue.

- 1 **Sec. 4.** The amendatory provisions of this act do not apply to offenses
- 2 that occurred before the effective date of this act.
- 3 **Sec. 5.** This act becomes effective upon passage and approval.

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