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TRPA PROPOSED AMENDMENTS (May 20, 2003)

(Reprinted with amendments adopted on May 13, 2003)
SECOND REPRINT

EXEMPT

S.. 216

SENATE BILL NO. 216-COMMITTEE ON LEGISLATIVE AFFAIRS AND OPERATIONS

(ON BEHALF OF STUDY OF TAHOE REGIONAL
PLANNING COMPACT (A.C.R. 5))

FEBRUARY 26,

Referred to Committee on Legislative Affairs and Operations

SUMMARY-Creates interim legislative committee to review
Tahoe Regional Planning Compact and oversee
Tahoe Regional Planning Agency and Colorado
River Commission of Nevada. (BDR 17-175)

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

EXPLANATION -- Matter in *italics* is new; matter between brackets {emitted material} is material to be omitted.

AN ACT relating to the Legislature; creating a Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Colorado River Commission of Nevada; providing the powers and duties of the Committee; and providing other matters properly relating thereto.

1 WHEREAS, Various governmental entities within the State of
2 Nevada play an important role in the management of the natural
3 resources and economic security of the residents of this state; and
4 WHEREAS, The Tahoe Regional Planning Compact provides for
5 the maintenance of the scenic, recreational, educational, scientific,
6 natural and public health values of the entire Lake Tahoe Basin; and
7 WHEREAS, The Tahoe Regional Planning Agency adopts and
8 enforces a regional plan and provides opportunities for the orderly
9 growth and development of the Lake Tahoe Basin; and
10 WHEREAS, The Legislature of the State of Nevada is vitally
11 concerned with achieving regional goals in conserving the natural
12 resources of the entire Lake Tahoe Basin and with the programs and

ASSEMBLY WAYS AND MEANS

DATE: 5/20/03 ROOM: 3137 EXHIBIT H

SUBMITTED BY: T.R.P.A.

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1 activities of the Tahoe Regional Planning Agency and those federal, state, and local agencies that have
2 authority to regulate activities in the Lake Tahoe Basin that affect these

3 goals; and

4 WHEREAS, The Legislature of the State of Nevada is also vitally
5 concerned with other regional water resources of the State and the
6 governmental entities which manage those resources, such as the
7 Colorado River Commission of Nevada which holds and protects
8 the rights of the State of Nevada to its share of Colorado River water
9 under federal law and contracts and represents the State of Nevada
10 at all federal, interstate and international discussions regarding the
11 management and operations of the Colorado River; and

12 WHEREAS, More than 85 percent of Southern Nevada's water
13 supply comes from the Colorado River via Lake Mead, a man-made
14 lake which can store up to 26 million acre feet of water, giving this
15 Legislature a strong interest in the functions of the Colorado River
16 Commission of Nevada in optimizing, through prudent management
17 practices, the benefits and uses of the Colorado River water; and

18 WHEREAS, Legislative committees have successfully reviewed
19 the programs and activities of the Tahoe Regional Planning Agency
20 on previous occasions and at various times have provided valuable
21 review and oversight for other agencies to ensure efficient
22 cooperation and proper functioning of those agencies; now,
23 therefore,

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

26
27 **Section 1.** Chapter 218 of NRS is hereby amended by adding
28 thereto the provisions set forth as sections 2 to 8, inclusive, of this
29 act.

30 Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless*
31 *the context otherwise requires, "Committee" means the Legislative*
32 *Committee for the Review and Oversight of the Tahoe Regional*
33 *Planning Agency Compact and Colorado River Commission of Nevada*
34 *created by section 3 of this act.*

35 Sec. 3. 1. *There is hereby created the Legislative*
36 *Committee for the Review and Oversight of the Tahoe Regional*
37 *Planning Agency Compact and Colorado River Commission of Nevada*
38 *consisting of three members of the Senate and three members of*
39 *the Assembly, appointed by the Legislative Commission with*
40 *appropriate regard for their experience with and knowledge of*
41 *matters relating to the management of natural resources. The*
42 *members must be appointed to provide representation from the*
43 *various geographical regions of the State.*

44 2. *The members of the Committee shall elect a Chairman*
45 *from one house of the Legislature and a Vice Chairman from the*

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1 other house. Each Chairman and Vice Chairman holds office, for
2 a term of 2 years commencing on July 1 of each odd-numbered
3 year.

4 3. Any member of the Committee who is not a candidate for
5 reelection or who is defeated for reelection continues to serve until
6 the next session of the Legislature convenes.

7 4. Vacancies on the Committee must be filled in the same
8 manner as original appointments.

9 5. The Committee shall report annually to the Legislative
10 Commission concerning its activities and any recommendations.

11 Sec. 4. 1. The members of the Committee shall meet
12 throughout each year at the times and places specified by a call of
13 the Chairman or a majority of the Committee.

14 2. The Director of the Legislative Counsel Bureau or a
15 person he designates shall act as the nonvoting recording
16 Secretary.

17 3. The Committee shall adopt rules for its own management
18 and government.

19 4. Except as otherwise provided in subsection 5, four
20 members of the Committee constitute a quorum.

21 5. Any recommended legislation proposed by the Committee
22 must be approved by a majority of the members of the Senate and
23 by a majority of the members of the Assembly appointed to the
24 Committee.

25 6. Each member of the Committee, except during a regular or
26 special session of the Legislature, is entitled to receive the
27 compensation provided for a majority of the members of the
28 Legislature during the first 60 days of the preceding regular
29 session for each day or portion of a day during which he attends a
30 meeting of the Committee or is otherwise engaged in the business
31 of the Committee plus the per diem allowance provided for state
32 officers and employees generally and the travel expenses provided
33 pursuant to NRS 218.2207. The salaries and expenses paid
34 pursuant to this subsection and any other expenses of the
35 Committee must be paid from the Legislative Fund.

36 Sec. 5. The Committee shall:

37 1. Provide appropriate review and oversight of the Tahoe
38 Regional Planning Agency Compact and Colorado River Commission of
39 Nevada;

40 2. Review the budget, programs, activities, responsiveness
41 and accountability of the Tahoe Regional Planning Agency and
42 the Colorado River Commission of Nevada in such a manner as
43 deemed necessary and appropriate by the Committee;

44 3. Study the role, authority and activities of:

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1 (a) The Tahoe Regional Planning Agency and other federal, state and local agencies regarding the
2 Lake

3 Tahoe Basin; and

4 (b) The Colorado River Commission of Nevada regarding the
5 Colorado River and Lake Mead; and

6 4. Continue to communicate with members of the Legislature
7 of the State of California to achieve the goals set forth in the
8 Tahoe Regional Planning Compact.

9 Sec. 6. The Committee may:

10 1. Conduct investigations and hold hearings in connection
11 with its review and study;

12 2. Apply for any available grants and accept any gifts, grants
13 or donations and use any such gifts, grants or donations to aid the
14 committee in carrying out its duties pursuant to sections 2 to 8,
15 inclusive, of this act.

16 3. Direct the Legislative Counsel Bureau to assist in its
17 research, investigations, review and study; and

18 4. Recommend to the Legislature, as a result of its review and
19 study, any appropriate legislation.

20 Sec. 7. 1. In conducting the investigations and hearings of
21 the Committee:

22 (a) Any member of the Committee may administer oaths.

23 (b) The Chairman of the Committee may cause the deposition
24 of witnesses, residing either within or outside of the State, to be
25 taken in the manner prescribed by rule of court for taking
26 depositions in civil actions in the district courts.

27 (c) The Chairman may issue subpoenas to compel the
28 attendance of witnesses and the production of books, papers or
29 documents.

30 2. If a witness refuses to attend or testify or to produce books,
31 papers or documents as required by the subpoena, the Chairman
32 may report to the district court by petition, setting forth:

33 (a) That due notice has been given of the time and place of
34 attendance of the witness or the production of the books, papers or
35 documents;

36 (b) That the witness has been subpoenaed by the Committee
37 pursuant to this section; and

38 (c) That the witness has failed or refused to attend or to
39 produce the books, papers or documents required by the subpoena
40 before the Committee that is named in the subpoena, or has
41 refused to answer questions propounded to him,
42 and asking for an order of the court compelling the witness to
43 attend and testify or to produce the books, papers or documents
44 before the Committee.

45 3. Upon such a petition, the court shall enter an order
directing the witness to appear before the court at a time and place

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1 to be fixed by the court in its order, the time to be not more than
2 10 days after the date of the order, and to show cause why he has
3 not attended or testified or produced the books, papers or
4 documents before the Committee. A certified copy of the order
5 must be served upon the witness.

6 4. If it appears to the court that the subpoena was regularly
7 issued by the Committee, the court shall enter an order that the
8 witness appear before the Committee at the time and place fixed in
9 the order and testify or produce the required books, papers or
10 documents. Failure to obey the order constitutes contempt of
11 court.

5. Article X of the Tahoe Regional Compact shall govern the applicability of the authorities granted in Section 7.1 as against officials, board members or employees of the Tahoe Regional Planning Agency.

12 Sec. 8. Each witness who appears before the Committee by
13 its order, except a state officer or employee, is entitled to receive
14 for his attendance the fees and mileage provided for witnesses in
15 civil cases in the courts of record of this state. The fees and
16 mileage must be audited and paid upon the presentation of proper
17 claims sworn to by the witness and approved by the Secretary and
18 the Chairman of the Committee.

19 Sec. 9. This act becomes effective on July 1, 2003.