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**MEMORANDUM**

DATE: March 31, 2003  
TO: Senator Maurice E. Washington  
FROM: Fred W. Welden, Chief Deputy Research Director *FW*  
Research Division  
SUBJECT: **Information Relating to Interstate and Interregional Entities as Referenced in Senate Bill 216**

Senate Bill 216 creates a Legislative Committee for the Review and Oversight of Interstate and Interregional Compacts and Entities. The measure specifically references oversight of: (1) the Tahoe Regional Planning Compact and the Tahoe Regional Planning Agency; (2) the Marlette Lake Water System; and (3) the Colorado River Commission of Nevada and the Southern Nevada Water Authority.

The following compilation of information provides an overview of the history, functions, and oversight of these entities.

***The Tahoe Regional Planning Compact and Tahoe Regional Planning Agency***

- The bistate Tahoe Regional Planning Compact was originally approved by the States of Nevada and California, and ratified by Congress in 1969. Major amendments constituting a redraft of the Compact were enacted in 1980.
- The Tahoe Regional Planning Compact creates the Tahoe Regional Planning Agency (TRPA) and specifies its responsibilities. Attached are two relevant summaries entitled "Legislative History of the Tahoe Regional Planning Compact" and "Major Elements of the Tahoe Regional Planning Compact."
- The TRPA's Governing Body consists of 14 voting members, 7 from each state. The Nevada delegation includes one member appointed by each of the three counties represented in the Basin, the Secretary of State, the Director of the Department of Conservation and Natural Resources or his designee, one member appointed by the Governor, and a seventh member appointed by the other six members.

- As an oversight body, the Legislative Committee to Continue the Review of Programs and Activities in the Lake Tahoe Basin has been created by concurrent resolution every biennium except one since 1985. A copy of page 13 from the Committee's most recent report is attached to highlight selected recent actions supported by the Committee.

### ***The Marlette Lake Water System***

- The historically significant Hobart and Marlette Lake water system was originally constructed in 1873 to move water from the Carson Range to Virginia City and the Comstock mining district. The inverted siphon technology was considered an engineering marvel of its day.

With the decline of the Comstock in the years and decades to follow, the fortunes of the water system suffered. The system was ultimately purchased by the State of Nevada in 1963.

- As an oversight body, the Marlette Lake Water System Advisory Committee was created as a permanent, statutory committee by the Legislature in 1971, and it has continued to perform its oversight function since that time.
- A copy of page 3 from the Committee's report to the 2003 Session of the Legislature is attached to provide a list of the membership and a summary of the Committee's activities.
- One of the Committee's recommendations for the current legislative session was that the statute outlining its creation be repealed and that its oversight function be transferred to the Committee that oversees the Tahoe Regional Planning Compact and activities in the Lake Tahoe Basin.

### ***The Colorado River Compact and Related Governmental Entities***

- The Colorado River Compact, signed by the affected states in 1922, apportioned the river's water among the seven Colorado River Basin states of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.
- In 1923, the Nevada Legislature created the Colorado River Development Commission which was empowered, among other things, to represent the State of Nevada in negotiations with other states concerning the Colorado River and its tributaries.
- In 1935, the Nevada Legislature enacted legislation creating the Colorado River Commission and expanded its powers significantly. In addition to its other duties, the Commission was empowered to receive and protect for the State all water and water rights related to the river and to its generating power.
- The Legislature, in 1967, enacted legislation providing for the acquisition or construction of the Southern Nevada Water System to provide Colorado River water to the municipal areas of Southern Nevada. The Colorado River Commission was authorized to act on behalf of the State in all matters concerning the project.

- The Las Vegas Valley Water District was originally created by special act of the Legislature in 1947 to distribute water to a large portion of the urban population in Clark County.
- In 1991, the Southern Nevada Water Authority was formed to address water resource management regionally in Clark County. The Authority is a political subdivision of the State of Nevada created through an interlocal cooperative agreement, and its Board of Directors includes one member each from the City of Boulder City (Bryan A. Nix), the City of Henderson (Amanda M. Cyphers, Chair), the City of Las Vegas (Oscar B. Goodman), the City of North Las Vegas (Shari Buck), the Big Bend Water District (Rory Reid), the Clark County Water Reclamation District (Mark James), and the Las Vegas Valley Water District (Myrna Williams).
- The membership of the Colorado River Commission has been modified several times over the years. The original membership consisting of the Governor and four Gubernatorial appointees was changed in 1963 by replacing the Governor with the Director of the Department of Conservation and Natural Resources. It was later revised to include five members appointed by the Governor with certain specifications. In 1993, the Commission was expanded to seven members—four appointed by the Governor (Richard W. Bunker, Chair; Jay D. Bingham; Lamond R. Mills; and Roland D. Westergard) and three appointed by the Board of Directors of the Southern Nevada Water Authority from its membership (Shari Buck, Brian Nix, and Myrna Williams).
- In 1995, the Legislature transferred the Southern Nevada Water System from the Colorado River Commission to the Southern Nevada Water Authority, which assumed all liabilities of the State of Nevada and the Colorado River Commission relating to the system.
- In 2001, the official name of the Colorado River Commission was changed to the Colorado River Commission of Nevada.

### *Concluding Comments*

I would be pleased to provide additional background materials or discuss these matters in greater depth, if you so desire. I may be reached by telephone at 684-6825.

FWW/gj:W33695-1  
Enc.

# LEGISLATIVE HISTORY OF THE TAHOE REGIONAL PLANNING COMPACT

Date: October 1999  
Source: Fred Welden  
Chief Deputy Research Director  
Legislative Counsel Bureau

## Creation of the Bistate Compact

The Tahoe Regional Planning Compact (*Nevada Revised Statutes 277.200*) was proposed by the States of Nevada and California in 1968 and ratified by the United States Congress in 1969. It provided a bistate mechanism for planning and regulation of development in the Lake Tahoe Basin.

## Initial Efforts and Subsequent Amendment of the Compact

Both states enacted legislation containing various proposals for amendment of the Compact during the 1970s. In each instance, the states did not reach agreement on the modifications. Nevada's recommendations were contained in Senate Bill 254 (1975), Senate Bill 266 (1977), and Senate Bill 503 (1979).

After lengthy negotiations and a special legislative session in Nevada, the Compact was substantially amended in 1980.

## Proposals during the 1980s for Compact Amendment

Additional modifications, however, have been proposed since the major actions of 1980. One bill was approved in each of Nevada's 1981, 1983, and 1985 Legislative Sessions. In 1987, Nevada enacted Assembly Bill 5 which combined the previous measures and conformed them with relevant California legislation.

The major proposed change is in the structure of the Nevada delegation serving on the Governing Body. The existing Nevada membership consists of three representatives of local governments, one member appointed by the Governor, the Secretary of State, the Director of the State Department of Conservation and Natural Resources, and a seventh member appointed by the other six members of the delegation. The proposed structure would include three representatives of local governments, two members appointed by the Governor, one member appointed by the Majority Leader of the State Senate, and one member appointed by the Speaker of the Assembly.

Two bills to ratify this amendment were introduced in the U.S. Congress in 1987. Action was not taken on either measure. Nevada subsequently adopted resolutions in 1989 (S.J.R. 5), 1991 (A.J.R. 25), 1993 (A.J.R. 5), and 1995 (A.J.R. 1) urging Congress to enact legislation to ratify the proposed amendment. To date, Congress has not acted upon these proposed amendments.

#### Amendment of the Compact in 1997

Article IX of the Bistate Compact establishes the Tahoe Transportation District and authorizes amendments of these provisions by joint actions of the two states without Congressional ratification. In 1997, the states agreed to modify the structure and authorities of the District to provide for expanded public-private cooperative activities.

#### Concluding Comments

While Nevada's Legislative Committee to Continue the Review of the Tahoe Regional Planning Agency supported the legislation amending the provisions for the Tahoe Transportation District in 1997, additional modification of the Compact has not been proposed in recent years.

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# MAJOR ELEMENTS OF THE TAHOE REGIONAL PLANNING COMPACT

Date: October 1999  
Source: Fred Welden  
Chief Deputy Research Director  
Legislative Counsel Bureau

Following is an outline of several major elements of the Tahoe Regional Planning Compact (*Nevada Revised Statutes 277.200*).

## General Policy

The "Findings and Declarations of Policy" highlight the Lake Tahoe Basin's unique environmental and ecological values while simultaneously speaking about providing opportunities for orderly growth and development consistent with the Basin's environmental threshold carrying capacities.

## Governing Body and Voting Structure

A Governing Body consisting of 14 members (seven from each state) is created. A relatively complicated voting structure is established. A dual majority (at least four votes from each state) is required to act upon environmental threshold carrying capacities, the regional plan, ordinances, rules, regulations and variances. Approval of a project requires the affirmative vote of at least five members from the state in which the project is located and at least nine members of the overall governing body. A simple majority is required to undertake routine business.

## Major Planning-Related Requirements

The TRPA is directed to adopt:

1. Environmental threshold carrying capacities necessary to maintain significant scenic, recreational, educational, scientific or natural values of the region or to maintain public health and safety;
2. A regional plan which, at a minimum, achieves and maintains the adopted environmental threshold carrying capacities; and
3. The ordinances, rules and regulations necessary to effectuate the adopted regional plan.

### *Other Specific Provisions*

Special procedures are provided for proposals relating to internal or external modification, remodeling, change-in-use, or repair of structures housing casino gaming. Environmental impact statements are required before the Agency may act upon matters that have a significant affect on the environment. And, the venue for legal actions is defined.

Financial contributions from local governments are specified, and it is stipulated that requests for state funds must be apportioned two-thirds from California and one-third from Nevada. The Tahoe Transportation District is established, and its powers are defined.

### *Concluding Comments*

Although this outline highlights several of the major elements of the Tahoe Regional Planning Compact, the bistrate agreement is complicated and a detailed review of the text would be necessary to fully understand its provisions.

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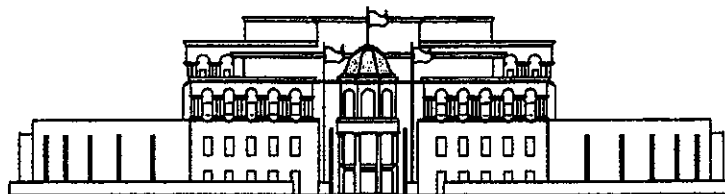


# Continued Review of Programs and Activities in the Lake Tahoe Basin (2001–2002)



Legislative Counsel Bureau  
Bulletin No. 03-6

October 2002



Following is a selection of significant actions supported by the Legislative Oversight Committee in recent years:

**SELECTED RECENT ACTIONS SUPPORTED BY THE  
LEGISLATIVE OVERSIGHT COMMITTEE**

Providing support and special funding to establish the "Partnership Approach" as a method for interested public and private participants to work toward consensus in the compilation and implementation of plans and programs in the Tahoe Basin. This "Partnership Approach" eventually led to hosting of the 1997 Presidential Forum through which the current Environmental Improvement Program was developed for the Basin.

Promoting, through recommendation and legislative resolution, a shift of emphasis by the Tahoe Regional Planning Agency (TRPA) from planning *per se* to fostering implementation of on-the-ground projects that have environmental benefits.

Continually supporting efforts to streamline the TRPA regulations and programs resulting in several Memorandums of Understanding through which local planning personnel implement joint regional/local project reviews.

Proposing legislation modifying the structure and authorities of the Tahoe Transportation District so that it may function as a public/private partnership.

Continually expressing support for designation of a Metropolitan Planning Organization (MPO) related to transportation in the Basin; construction of the areawide storm water drainage project in the casino core-loop road portion of Stateline, Nevada; and activities initiated or coordinated through the Forest Health Consensus Group.

Placing on the 1986 statewide ballot a proposed \$31 million bond issue, which the public approved, to finance acquisition of environmentally sensitive lands and fund erosion control projects in the Nevada portion of the Basin.

Placing on the 1996 statewide ballot a proposed \$20 million bond issue, again approved by the public, to provide grants to local governments and the State's Department of Transportation to carry out erosion control and stream restoration projects in the Basin.

Proposing legislation in 1997 to provide for the issuance of special license plates to support the preservation and restoration of Lake Tahoe's environment. Over 20,000 plates have been registered generating more than \$1 million in special funds.

Providing legislative support for funding of Nevada's portion of the capitol improvements included in the Environmental Improvement Program (EIP) for the Basin. With the Committee's support, the Legislature in 1999 provided authority for issuance of \$53.2 million in bonds between 2001 and 2007 and specifically approved the initial sale of a \$3.2 million portion of the bonds. The 2001 Legislature directly authorized sale of an additional \$16.2 million portion of the bonds, and the Committee has expressed support for continued bond issuance during the 2003-2005 biennium.

# Marlette Lake Water System Advisory Committee



Legislative Counsel Bureau  
Bulletin No. 03-17

January 2003



## **I. INTRODUCTION**

The Nevada Legislature's Marlette Lake Water System Advisory Committee is a permanent committee authorized by *Nevada Revised Statutes* (NRS) 331.165.

At its meeting of September 6, 2001, the Legislative Commission appointed three members of the Legislature and one staff member of the Legislative Counsel Bureau (LCB) to serve on the Marlette Lake Water System Advisory Committee. The other four members of the committee were appointed by the Executive Branch agencies specified in NRS 331.165. The members serving on the Advisory Committee between the 71<sup>st</sup> and 72<sup>nd</sup> Legislative Sessions were:

Assemblyman Joseph E. Dini, Jr., Chairman  
Senator Mark E. Amodei, Vice Chairman  
Assemblywoman Bonnie L. Parnell  
Robert E. Erickson, Research Director, LCB (nonvoting member)  
Mike Meizel, Chief, Buildings and Grounds Division, Department of Administration  
Wayne R. Perock, Administrator, Division of State Parks, State Department of Conservation and Natural Resources  
Gene Weller, Deputy Administrator, Division of Wildlife, State Department of Conservation and Natural Resources  
Steve Robinson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources

Additional Legislative Counsel Bureau staff services for the Advisory Committee were provided by M. Scott McKenna, Principal Deputy Legislative Counsel, Legal Division, and Nenita Wasserman, Senior Research Secretary, Research Division.

The Advisory Committee held three public meetings during the 2001-2002 interim period. The meetings of October 30, 2001, June 3, 2002, and October 29, 2002, all were conducted at the Legislative Building in Carson City.

The Advisory Committee also gathered information and inspected facilities and projects in the Marlette and Hobart areas on three occasions during the 2001-2002 interim.

1. October 30, 2001 – Facilities in the Marlette Lake and Hobart Reservoir watersheds, and pipeline and water facilities between Hobart and Lakeview.
2. June 3, 2002 – Rainbow trout spawning and egg harvesting program of the Division of Wildlife at Marlette Lake.
3. October 29, 2002 – Tour of Marlette Lake and Hobart Reservoir watersheds and dedication of plaques at Marlette Lake recognizing the service of retiring Senator Lawrence E. Jacobsen and Assemblyman Joseph E. Dini, Jr.