

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, 2003

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 Marlette Lake Water System and expands duties of Legislative Committee on Public Lands. (BDR 17-175)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 Legislature; creating a Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System; providing the powers and duties of the Committee; expanding the duties of the Legislative Committee on Public Lands to include the review of programs and activities relating to public water authorities, districts and systems, and certain other entities involved in the planning, development or distribution of water in the State of Nevada; 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



1 WHEREAS, The Tahoe Regional Planning Agency adopts and
2 enforces a regional plan and provides opportunities for the orderly
3 growth and development of the Lake Tahoe Basin; and

4 WHEREAS, The Legislature of the State of Nevada is vitally
5 concerned with achieving regional goals in conserving the natural
6 resources of the entire Lake Tahoe Basin and with the programs and
7 activities of the Tahoe Regional Planning Agency that affect these
8 goals; and

9 WHEREAS, Legislative committees have successfully reviewed
10 the programs and activities of the Tahoe Regional Planning Agency
11 on previous occasions and at various times have provided valuable
12 review and oversight for other agencies to ensure efficient
13 cooperation and proper functioning of those agencies; now,
14 therefore,

15
16 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
17 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
18

19 **Section 1.** Chapter 218 of NRS is hereby amended by adding
20 thereto the provisions set forth as sections 2 to 8, inclusive, of this
21 act.

22 **Sec. 2.** *As used in sections 2 to 8, inclusive, of this act, unless*
23 *the context otherwise requires, "Committee" means the Legislative*
24 *Committee for the Review and Oversight of the Tahoe Regional*
25 *Planning Agency and the Marlette Lake Water System created by*
26 *section 3 of this act.*

27 **Sec. 3. 1.** *There is hereby created the Legislative*
28 *Committee for the Review and Oversight of the Tahoe Regional*
29 *Planning Agency and the Marlette Lake Water System consisting*
30 *of three members of the Senate and three members of the*
31 *Assembly, appointed by the Legislative Commission with*
32 *appropriate regard for their experience with and knowledge of*
33 *matters relating to the management of natural resources. The*
34 *members must be appointed to provide representation from the*
35 *various geographical regions of the State.*

36 **2.** *The members of the Committee shall elect a Chairman*
37 *from one house of the Legislature and a Vice Chairman from the*
38 *other house. Each Chairman and Vice Chairman holds office for*
39 *a term of 2 years commencing on July 1 of each odd-numbered*
40 *year.*

41 **3.** *Any member of the Committee who is not a candidate for*
42 *reelection or who is defeated for reelection continues to serve until*
43 *the next session of the Legislature convenes.*

44 **4.** *Vacancies on the Committee must be filled in the same*
45 *manner as original appointments.*



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

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

6 2. The Director of the Legislative Counsel Bureau or a
7 person he designates shall act as the nonvoting recording
8 Secretary.

9 3. The Committee shall adopt rules for its own management
10 and government.

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

13 5. Any recommended legislation proposed by the Committee
14 must be approved by a majority of the members of the Senate and
15 by a majority of the members of the Assembly appointed to the
16 Committee.

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

28 Sec. 5. The Committee shall:

29 1. Provide appropriate review and oversight of the Tahoe
30 Regional Planning Agency and the Marlette Lake Water System;

31 2. Review the budget, programs, activities, responsiveness
32 and accountability of the Tahoe Regional Planning Agency and
33 the Marlette Lake Water System in such a manner as deemed
34 necessary and appropriate by the Committee;

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

36 (a) The Tahoe Regional Planning Agency regarding the Lake
37 Tahoe Basin; and

38 (b) The Marlette Lake Water System regarding Marlette Lake;
39 and

40 4. Continue to communicate with members of the Legislature
41 of the State of California to achieve the goals set forth in the
42 Tahoe Regional Planning Compact.

43 Sec. 6. The Committee may:

44 1. Conduct investigations and hold hearings in connection
45 with its review and study;



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1 2. Apply for any available grants and accept any gifts, grants
2 or donations and use any such gifts, grants or donations to aid the
3 Committee in carrying out its duties pursuant to sections 2 to 8,
4 inclusive, of this act.

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

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

9 Sec. 7. 1. In conducting the investigations and hearings of
10 the Committee:

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

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

16 (c) The Chairman may issue subpoenas to compel the
17 attendance of witnesses and the production of books, papers or
18 documents.

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

22 (a) That due notice has been given of the time and place of
23 attendance of the witness or the production of the books, papers or
24 documents;

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

27 (c) That the witness has failed or refused to attend or to
28 produce the books, papers or documents required by the subpoena
29 before the Committee that is named in the subpoena, or has
30 refused to answer questions propounded to him,
31 and asking for an order of the court compelling the witness to
32 attend and testify or to produce the books, papers or documents
33 before the Committee.

34 3. Upon such a petition, the court shall enter an order
35 directing the witness to appear before the court at a time and place
36 to be fixed by the court in its order, the time to be not more than
37 10 days after the date of the order, and to show cause why he has
38 not attended or testified or produced the books, papers or
39 documents before the Committee. A certified copy of the order
40 must be served upon the witness.

41 4. If it appears to the court that the subpoena was regularly
42 issued by the Committee, the court shall enter an order that the
43 witness appear before the Committee at the time and place fixed in
44 the order and testify or produce the required books, papers or



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1 *documents. Failure to obey the order constitutes contempt of*
2 *court.*

3 **Sec. 8.** *Each witness who appears before the Committee by*
4 *its order, except a state officer or employee, is entitled to receive*
5 *for his attendance the fees and mileage provided for witnesses in*
6 *civil cases in the courts of record of this state. The fees and*
7 *mileage must be audited and paid upon the presentation of proper*
8 *claims sworn to by the witness and approved by the Secretary and*
9 *the Chairman of the Committee.*

10 **Sec. 9.** NRS 218.5368 is hereby amended to read as follows:
11 218.5368 The Committee shall:

12 1. Actively support the efforts of state and local governments
13 in the western states regarding public lands and state sovereignty as
14 impaired by federal ownership of land.

15 2. Advance knowledge and understanding in local, regional
16 and national forums of Nevada's unique situation with respect to
17 public lands.

18 3. Support legislation that will enhance state and local roles in
19 the management of public lands and will increase the disposal of
20 public lands.

21 **4.** *Review the programs and activities of:*

22 *(a) The Colorado River Commission of Nevada;*

23 *(b) All public water authorities, districts and systems in the*
24 *State of Nevada, including, without limitation, the Southern*
25 *Nevada Water Authority, the Truckee Meadows Water Authority,*
26 *the Virgin Valley Water District, the Carson Water*
27 *Subconservancy District, the Humboldt River Basin Water*
28 *Authority, and the Truckee-Carson Irrigation District; and*

29 *(c) All other public or private entities with which any county in*
30 *the State has an agreement regarding the planning, development*
31 *or distribution of water resources, or any combination thereof.*

32 **5.** *On or before January 15 of each odd-numbered year,*
33 *submit to the Director of the Legislative Counsel Bureau for*
34 *transmittal to the Legislature a report concerning the review*
35 *conducted pursuant to subsection 4.*

36 **Sec. 10.** NRS 331.165 is hereby repealed.

37 **Sec. 11.** 1. This act becomes effective on July 1, 2003.

38 2. The amendatory provisions of section 9 of this act expire by
39 limitation on June 30, 2007.



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TEXT OF REPEALED SECTION

331.165 Advisory Committee: Creation; composition; officers; recommendations.

1. The Marlette Lake Water System Advisory Committee is hereby created to be composed of:

(a) One member appointed by the Administrator of the Division of Wildlife of the State Department of Conservation and Natural Resources.

(b) One member appointed by the Administrator of the Division of State Parks.

(c) Three members from the State Legislature, including at least one member of the Senate and one member of the Assembly, appointed by the Legislative Commission.

(d) One member from the staff of the Legislative Counsel Bureau appointed by the Legislative Commission. The member so appointed shall serve as a nonvoting member of the Advisory Committee.

(e) One member appointed by the State Forester Firewarden.

(f) One member appointed by the Department of Administration.

2. The voting members of the Advisory Committee shall select one of the legislative members of the Advisory Committee as Chairman and one as Vice Chairman. After the initial selection of a Chairman and Vice Chairman, each such officer serves a term of 2 years beginning on July 1 of each odd-numbered year. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the person appointed to succeed that officer shall serve for the remainder of the unexpired term.

3. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Advisory Committee.

4. Members of the Advisory Committee serve at the pleasure of their respective appointing authorities.

5. The Advisory Committee may make recommendations to the Legislative Commission, the Interim Finance Committee, the Department of Administration, the State Department of Conservation and Natural Resources and the Governor concerning any matters relating to the Marlette Lake Water System or any part thereof.

