
ASSEMBLY BILL NO. 458—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE FOR THE REVIEW
AND OVERSIGHT OF THE TAHOE REGIONAL PLANNING
AGENCY AND THE MARLETTE LAKE WATER SYSTEM)

MARCH 28, 2005

Referred to Committee on Ways and Means

SUMMARY—Authorizes issuance of general obligation bonds to
carry out Environmental Improvement Program in
Lake Tahoe Basin. (BDR S-308)

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 Lake Tahoe Basin; authorizing the issuance
of general obligation bonds to carry out the
Environmental Improvement Program; and providing
other matters properly relating thereto.

- 1 WHEREAS, In October 1997, Governor Bob Miller, on behalf
2 of the State of Nevada, signed a Memorandum of Agreement
3 between the Federal Interagency Partnership on the Lake Tahoe
4 Ecosystem, the States of Nevada and California, the Washoe Tribe
5 of Nevada and California, the Tahoe Regional Planning Agency and
6 interested local governments, in which the parties affirmed their
7 commitment to the Tahoe Regional Planning Compact, to the sound
8 management and protection of the resources within the Lake Tahoe
9 Basin and the support of a healthy, sustainable economy and to
10 achieve environmental thresholds for Lake Tahoe, and agreed to
11 cooperate to carry out, including, without limitation, providing
12 financial support for, the Environmental Improvement Program; and
13 WHEREAS, The costs of carrying out the Environmental
14 Improvement Program have been apportioned among the Federal
15 Government, the States of Nevada and California, local
16 governments and owners of private property within both states; and



1 WHEREAS, The cost of carrying out the Environmental
2 Improvement Program that is apportioned to the State of Nevada
3 and its political subdivisions is \$82,000,000 for the 10-year period
4 that ends in the Fiscal Year 2006-2007; and

5 WHEREAS, For the period between the fiscal year beginning on
6 July 1, 1997, and the fiscal year ending on June 30, 2001, the State
7 of Nevada and its political subdivisions provided \$28,800,000 to
8 meet their apportioned commitment, which included:

9 1. General obligation bonds issued in the face amount of
10 \$20,000,000 pursuant to Chapter 361, Statutes of Nevada 1995, at
11 page 907, and approved by the voters of this State at the General
12 Election held in 1996, to carry out projects for the control of erosion
13 and the restoration of natural watercourses in the Lake Tahoe Basin;
14 and

15 2. General obligation bonds issued in the face amount of
16 \$3,200,000 pursuant to Chapter 514, Statutes of Nevada 1999, at
17 page 2627, to carry out the program of environmental improvement
18 projects for the Lake Tahoe Basin established pursuant to Section 1
19 of Chapter 514, Statutes of Nevada 1999, at page 2627, for the
20 period between the fiscal year beginning on July 1, 1999, and the
21 fiscal year ending on June 30, 2001; and

22 WHEREAS, Chapter 514, Statutes of Nevada 1999, created the
23 Fund to Protect the Lake Tahoe Basin in the State General Fund,
24 directed the Administrator of the Division of State Lands of the
25 State Department of Conservation and Natural Resources to
26 administer that Fund and directed the Administrator, in cooperation
27 with other state agencies, to coordinate the development and
28 carrying out of a program of environmental improvement projects
29 for the Lake Tahoe Basin; and

30 WHEREAS, For the period between the fiscal year beginning on
31 July 1, 2001, and the fiscal year ending on June 30, 2007, Chapter
32 514, Statutes of Nevada 1999, provided that money in an amount
33 not to exceed \$53,200,000 would be made available to carry out the
34 program of environmental improvement projects during that period
35 by the issuance of general obligation bonds and legislative
36 appropriation; and

37 WHEREAS, Part of the \$53,200,000 authorized by Chapter 514,
38 Statutes of Nevada 1999, was provided in the form of general
39 obligation bonds issued pursuant to:

40 1. Chapter 302, Statutes of Nevada 2001, at page 1428, in the
41 face amount of \$16,200,000 to carry out the program of
42 environmental improvement projects for the period between the
43 fiscal year beginning on July 1, 2001, and the fiscal year ending on
44 June 30, 2003; and



2. Chapter 438, Statutes of Nevada 2003, at page 2655, in the face amount of \$9,870,000 to carry out the program of environmental improvement projects for the period between the fiscal year beginning on July 1, 2003, and the fiscal year ending on June 30, 2005; and

WHEREAS, The general obligation bonds authorized by Chapter 514, Statutes of Nevada 1999, may only be issued with the prior approval of the Legislature or the Interim Finance Committee and pursuant to a schedule established by the Administrator of the Division of State Lands; now, therefore,

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

Section 1. The Legislature hereby 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. 2. Money to carry out the program of environmental improvement projects for the Lake Tahoe Basin established pursuant to Section 1 of Chapter 514, Statutes of Nevada 1999, at page 2627, in an amount not to exceed \$16,800,000 must be provided for the period between the fiscal year beginning on July 1, 2005, 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 \$16,800,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this section must be deposited in the Fund to Protect the Lake Tahoe Basin created pursuant to Section 2 of Chapter 514, Statutes of Nevada 1999, at page 2628, and, except as otherwise provided in this section, must be used as follows:

1. Projects of the Environmental Improvement Program to be carried out by the State Department of Conservation and Natural Resources:

(a) Shorezone/Stream Restoration Project \$1,500,000
(b) Forest Restoration Phase III..... 650,000

2. Water Quality, Erosion Control and Stream Restoration/Enhancement Projects of the Environmental Improvement Program to be carried out pursuant to grants and project agreements \$14,000,000



3. Contingency money to carry out any environmental improvement project that is paid for with money from the Fund to Protect the Lake Tahoe Basin \$650,000

Sec. 3. 1. The Division of State Lands of the State Department of Conservation and Natural Resources may combine the contingency money authorized pursuant to subsection 3 of section 2 of this act with any other contingency money authorized by the Legislature to carry out an environmental improvement project that is paid for with money from the Fund to Protect the Lake Tahoe Basin.

2. If an amount authorized to carry out the projects set forth in section 2 of this act or any other environmental improvement project that is paid for with money from the Fund to Protect the Lake Tahoe Basin is insufficient to allow the completion of the project for which it is authorized, including, without limitation, any monitoring necessary to ensure the continued effectiveness of the project:

(a) The Division of State Lands may, without the prior approval of the Interim Finance Committee, allocate the contingency money authorized pursuant to subsection 3 of section 2 of this act, including any money combined therewith pursuant to subsection 1, to carry out an environmental improvement project that is paid for with money from the Fund to Protect the Lake Tahoe Basin, notwithstanding the provisions of Section 2 of Chapter 438, Statutes of Nevada 2003, at page 2655, Section 2 of Chapter 302, Statutes of Nevada 2001, at page 1428, and subsection 2 of Section 1 of Chapter 514, Statutes of Nevada 1999, at page 2627; and

(b) Upon the request of the Division of State Lands, the Interim Finance Committee may increase the amount authorized for the project and offset the increase by reducing the amount authorized for another environmental improvement project or projects that are paid for with money from the Fund to Protect the Lake Tahoe Basin by the amount of the increase.

3. The Division of State Lands may use money authorized pursuant to section 2 of this act for a project other than a project listed in section 2 of this act if the Interim Finance Committee approves such a use in writing before the Division of State Lands engages in the project.

Sec. 4. This act becomes effective on July 1, 2005.

