
ASSEMBLY BILL NO. 18—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)

PREFILED DECEMBER 5, 2008

Referred to Committee on Ways and Means

SUMMARY—Authorizes the issuance of bonds for environmental improvement projects for Lake Tahoe. (BDR S-375)

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

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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 a program for the protection of the Lake Tahoe Basin; extending the period for the issuance of certain bonds to carry out the program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Environmental Improvement Program was implemented in 1997 to carry
2 out projects to protect and improve the environment in the Lake Tahoe Basin. The
3 costs of the Program are apportioned among the Federal Government, the States of
4 Nevada and California and local governments and owners of private property in
5 both states. In 1999, the Nevada Legislature authorized the issuance of \$53.2
6 million in general obligation bonds between July 1, 2001, and June 30, 2007, to pay
7 for a significant portion of Nevada’s share of the costs of the Program. (Chapter
8 514, Statutes of Nevada 1999, p. 2628) In 2005, the Nevada Legislature extended to
9 June 30, 2010, the deadline for the issuance of the total amount of those general
10 obligation bonds for the Program and authorized the issuance of the final \$16.8
11 million of those bonds. (Chapter 298, Statutes of Nevada 2005, pp. 1032-34)

12 **Section 3** of this bill requires the issuance of not more than \$100,000,000 in
13 general obligation bonds to carry out the Program between July 1, 2009, and
14 June 30, 2020. **Section 1** of this bill requires the issuance of the initial \$4.42
15 million of those general obligation bonds and specifies the authorized uses of that
16 money. **Sections 7 and 8** of this bill extend to June 30, 2011, the deadline for the
17 issuance of the remaining amount of general obligation bonds that were originally
18 authorized in 2005.



1 WHEREAS, The Lake Tahoe Basin exhibits unique
2 environmental and ecological conditions that are irreplaceable; and

3 WHEREAS, This State has a compelling interest in preserving,
4 protecting, restoring and enhancing the natural environment of the
5 Lake Tahoe Basin; and

6 WHEREAS, The preservation, protection, restoration and
7 enhancement of the natural environment of the Lake Tahoe Basin is
8 a matter of such significance that it must be carried out on a
9 continual basis; and

10 WHEREAS, In October 1997, Governor Bob Miller, on behalf
11 of the State of Nevada, signed a Memorandum of Agreement
12 between the Federal Interagency Partnership on the Lake Tahoe
13 Ecosystem, the States of Nevada and California, the Washoe Tribe
14 of Nevada and California, the Tahoe Regional Planning Agency and
15 interested local governments, in which the parties affirmed their
16 commitment to the Tahoe Regional Planning Compact, to the sound
17 management and protection of the resources within the Lake Tahoe
18 Basin and the support of a healthy, sustainable economy and to
19 achieve environmental thresholds for Lake Tahoe, and agreed to
20 cooperate to carry out, including, without limitation, providing
21 financial support for, the Environmental Improvement Program; and

22 WHEREAS, The costs of carrying out the Environmental
23 Improvement Program have been apportioned among the Federal
24 Government, the States of Nevada and California and the local
25 governments and private property owners within both states; and

26 WHEREAS, The cost of a continued investment in carrying out
27 the Environmental Improvement Program for the State of Nevada
28 and its political subdivisions is \$100,000,000 for the next 10-year
29 period; now, therefore,

30
31 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
32 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
33

34 **Section 1.** Money to carry out the Environmental
35 Improvement Program for the Lake Tahoe Basin established
36 pursuant to section 1 of chapter 514, Statutes of Nevada 1999, at
37 page 2627, must be provided by the issuance by the State Board of
38 Finance of general obligation bonds of the State of Nevada in a total
39 face amount of not more than \$4,420,000 pursuant to NRS 349.150
40 to 349.364, inclusive. The proceeds of the bonds issued pursuant to
41 this section must be deposited in the Fund to Protect the Lake Tahoe
42 Basin created pursuant to section 2 of chapter 514, Statutes of
43 Nevada 1999, at page 2628, and, except as otherwise provided in
44 this subsection, must be used as follows:



1 1. Activities related to the Environmental Improvement
2 Program to be carried out by the State Department of Conservation
3 and Natural Resources:

4 (a) Continued implementation of forest restoration
5 projects..... \$1,000,000

6 (b) Improvement of day and overnight recreational
7 facilities \$500,000

8 (c) Development of a comprehensive trail system \$500,000

9 (d) Protection of sensitive species \$150,000

10 (e) Control of invasive terrestrial and aquatic
11 species..... \$100,000

12 2. Water quality, erosion control and stream
13 restoration and enhancement projects of the
14 Environmental Improvement Program to be carried out
15 pursuant to grants and project agreements \$2,000,000

16 3. Contingency money to carry out environmental
17 improvement projects \$170,000

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

25 2. If an amount authorized to carry out the projects set forth in
26 section 1 of this act or any other environmental improvement project
27 that is paid for with money from the Fund to Protect the Lake Tahoe
28 Basin is insufficient to allow the completion of the project for which
29 it is authorized, including, without limitation, any monitoring
30 necessary to ensure the continued effectiveness of the project:

31 (a) The Division of State Lands may, without the prior approval
32 of the Interim Finance Committee, allocate the contingency money
33 authorized pursuant to subsection 3 of section 1 of this act,
34 including any money combined therewith pursuant to subsection 1,
35 to carry out an environmental improvement project that is paid for
36 with money from the Fund to Protect the Lake Tahoe Basin,
37 notwithstanding the provisions of section 2 of chapter 504, Statutes
38 of Nevada 2007, at page 2925, section 2 of chapter 298, Statutes
39 of Nevada 2005, at page 1031, section 2 of chapter 438, Statutes of
40 Nevada 2003, at page 2656, section 2 of chapter 302, Statutes of
41 Nevada 2001, at page 1428, and subsection 2 of section 1 of chapter
42 514, Statutes of Nevada 1999, at page 2627; and

43 (b) Upon the request of the Division of State Lands, the Interim
44 Finance Committee may increase the amount authorized for the
45 project and offset the increase by reducing the amount authorized



1 for another environmental improvement project or projects that are
2 paid for with money from the Fund to Protect the Lake Tahoe Basin
3 by the amount of the increase.

4 3. The Division of State Lands may use money authorized
5 pursuant to section 1 of this act for a project other than a project
6 listed in section 1 of this act if the Interim Finance Committee
7 approves such a use in writing before the Division of State Lands
8 engages in the project.

9 **Sec. 3.** Money to carry out the Environmental Improvement
10 Program during the period between the fiscal year beginning on
11 July 1, 2009, and the fiscal year ending on June 30, 2020, in an
12 amount not to exceed \$100,000,000 must be provided by the
13 issuance by the State Board of Finance of general obligation bonds
14 of the State of Nevada in a total face amount of not more than
15 \$100,000,000. With the prior approval of the Legislature or the
16 Interim Finance Committee, the bonds may be issued from time to
17 time pursuant to a schedule established by the Administrator of the
18 Division of State Lands. Section 1 of this act constitutes the
19 approval by the Legislature for the issuance of \$4,420,000 of such
20 bonds pursuant to this section. The provisions of NRS 349.150 to
21 349.364, inclusive, apply to the issuance of bonds pursuant to this
22 subsection.

23 **Sec. 4.** The amount of bonds authorized by section 3 of this
24 act must be reduced by the amount of any money appropriated by
25 the Legislature for the same purpose upon certification by the
26 Administrator of the Division of State Lands of the amount of each
27 such appropriation to the State Board of Finance. The Administrator
28 of the Division of State Lands shall submit a request to the
29 Legislature each biennium, as necessary, for an appropriation for the
30 Program.

31 **Sec. 5.** The Administrator of the Division of State Lands may
32 issue grants to or enter into agreements with state and federal
33 agencies, local governments, nonprofit organizations and other
34 persons or entities to carry out the program established pursuant to
35 section 1 of chapter 514, Statutes of Nevada 1999, at page 2627.
36 The Administrator shall adopt such regulations as are necessary for
37 awarding the grants or entering into the agreements.

38 **Sec. 6.** The Legislature finds and declares that the issuance of
39 securities and the incurrence of indebtedness pursuant to this act:

40 1. Are necessary for the protection and preservation of the
41 natural resources of this State and for the purpose of obtaining the
42 benefits thereof; and

43 2. Constitute an exercise of the authority conferred by the
44 second paragraph of section 3 of article 9 of the Constitution of the
45 State of Nevada.



1 **Sec. 7.** Section 1 of chapter 514, Statutes of Nevada 1999, as
2 amended by section 4 of chapter 298, Statutes of Nevada 2005, at
3 page 1033, is hereby amended to read as follows:

4 Section 1. 1. The Administrator of the Division of
5 State Lands of the State Department of Conservation and
6 Natural Resources in cooperation with other state agencies,
7 shall coordinate the development and implementation of a
8 program of environmental improvement projects for:

9 (a) The protection and enhancement of the quality of the
10 air and water;

11 (b) The protection and restoration of natural watercourses,
12 wetlands, wildlife habitat, fisheries, vegetation and forests;

13 (c) Prevention and control of erosion; and

14 (d) Enhancement of recreational and tourism
15 opportunities,

16 ↪ in the Lake Tahoe Basin.

17 2. Money to carry out the program in an amount not to
18 exceed \$3,200,000 must be provided for the period between
19 the fiscal year beginning on July 1, 1999 and the fiscal year
20 ending on June 30, 2001, by the issuance by the State Board
21 of Finance of general obligation bonds of the State of Nevada
22 in a total face amount of not more than \$3,200,000 pursuant
23 to NRS 349.150 to 349.364, inclusive. The proceeds of the
24 bonds issued pursuant to this subsection must be deposited in
25 the Fund to Protect the Lake Tahoe Basin created pursuant to
26 section 2 of this act and, except as otherwise provided in this
27 subsection, must be used as follows:

- 28 (a) Sand Harbor Visitor/Administrative
- 29 Center BMPs \$1,000,000
- 30 (b) North Canyon Hiking Trail 15,000
- 31 (c) Sand Harbor Erosion Control 100,000
- 32 (d) Upland Wildlife Habitat Enhancement 66,000
- 33 (e) North Canyon Old Growth Habitat
- 34 Restoration 130,000
- 35 (f) Forest Restoration - Phase I 1,500,000
- 36 (g) Sand Harbor-Memorial Point Trail 56,000
- 37 (h) Hidden Beach Rehabilitation, BMPs 106,000
- 38 (i) Sugar Pine Old Growth Habitat Restoration 75,000
- 39 (j) Project contingency 152,000

40 ↪ If an amount authorized pursuant to this subsection is
41 insufficient to allow the completion of the project for which it
42 is authorized, the Interim Finance Committee, upon the
43 request of the Division of State Lands of the State
44 Department of Conservation and Natural Resources, may
45 increase the amount authorized for the project and offset the



1 increase by reducing the amount authorized for another
2 project or projects pursuant to this subsection by the amount
3 of the increase. The Division of State Lands may use money
4 authorized pursuant to this subsection for a project other than
5 a project listed in this subsection if the Interim Finance
6 Committee approves such a use in writing before the Division
7 engages in the project. The Division of State Lands may
8 allocate money pursuant to paragraph (j) without the prior
9 approval of the Interim Finance Committee.

10 3. Money to carry out the program in an amount not to
11 exceed \$53,200,000 must be provided for the period between
12 the fiscal year beginning on July 1, 2001, and the fiscal year
13 ending on June 30, ~~2010,~~ **2011**, by the issuance by the State
14 Board of Finance of general obligation bonds of the State of
15 Nevada in a total face amount of not more than \$53,200,000.
16 With the prior approval of the Legislature or the Interim
17 Finance Committee, the bonds may be issued from time to
18 time pursuant to a schedule established by the Administrator
19 of the Division of State Lands. The provisions of NRS
20 349.150 to 349.364, inclusive, apply to the issuance of bonds
21 pursuant to this subsection.

22 4. The amount of bonds authorized by subsection 3 must
23 be reduced by the amount of any money appropriated by the
24 Legislature for the same purpose upon certification by the
25 Administrator of the Division of State Lands of the amount of
26 each such appropriation to the State Board of Finance. The
27 Administrator of the Division of State Lands shall submit a
28 request to the Legislature each biennium, as necessary, for an
29 appropriation for the program.

30 5. The Administrator of the Division of State Lands may
31 adopt such regulations as are necessary to carry out the
32 program.

33 **Sec. 8.** Section 2 of chapter 298, Statutes of Nevada 2005, at
34 page 1031, is hereby amended to read as follows:

35 Sec. 2. Money to carry out the program of
36 environmental improvement projects for the Lake Tahoe
37 Basin established pursuant to section 1 of chapter 514,
38 Statutes of Nevada 1999, at page 2627, in an amount not to
39 exceed \$16,800,000 must be provided for the period between
40 the fiscal year beginning on July 1, 2005, and the fiscal year
41 ending on June 30, ~~2007,~~ **2011**, by the issuance by the State
42 Board of Finance of general obligation bonds of the State of
43 Nevada in a total face amount of not more than \$16,800,000
44 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds
45 of the bonds issued pursuant to this section must be deposited



1 in the Fund to Protect the Lake Tahoe Basin created pursuant
2 to section 2 of chapter 514, Statutes of Nevada 1999, at page
3 2628, and, except as otherwise provided in this section, must
4 be used as follows:

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

8 (a) Shorezone/Stream Restoration Project \$1,500,000

9 (b) Forest Restoration Phase III \$650,000

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

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

19 **Sec. 9.** This act becomes effective on July 1, 2009.



