

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800
MICHAEL ROBERSON, *Senator, Chair*
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
PAUL ANDERSON, *Assemblyman, Chair*
Cindy Jones, *Fiscal Analyst*
Mark Krmpotic, *Fiscal Analyst*



RICK COMBS, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
ROCKY COOPER, *Legislative Auditor* (775) 684-6815
SUSAN E. SCHOLLEY, *Research Director* (775) 684-6825

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System (*Nevada Revised Statutes 218E.555*)

Date and Time of Meeting: Friday, November 4, 2016
9 a.m.

Place of Meeting: Legislative Building, Room 4100
401 South Carson Street
Carson City, Nevada

Note: Some members of the Committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings/View](#)."

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Opening Remarks
Senator Ben Kieckhefer, Chair

II. Public Comment
(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

For Possible Action

III. Approval of Minutes of the Meeting Held on July 15, 2016, in Stateline, Nevada

For Possible Action

IV. Overview of the Douglas County Sewer Improvement District No. 1 (DCSID) and the Proposal to Restructure It
James R. Cavilia, Esq., General Counsel for the DCSID,
Allison MacKenzie, Ltd.
Mike Bradford, Chair, Board of Directors, DCSID

For Possible Action

V. Update on the Status of the Outstanding Debt of the Nevada Fire Safe Council
Jennifer Ruedy, Principal Research Analyst, Research Division,
Legislative Counsel Bureau

For Possible Action

VI. Presentation on Recent Activities of the Tahoe Regional Planning Agency (TRPA) Including the Release of the *2015 Threshold Evaluation Report*
Joanne S. Marchetta, Executive Director, TRPA
Julie W. Regan, APR, Chief, External Affairs, TRPA
Dan Segan, Principal Natural Resource Analyst, TRPA

For Possible Action

- VII. Work Session—Discussion and Possible Action Relating to:
- A. Forest Health
 - B. Lake Tahoe Environmental Improvement Program
 - C. Question 1 Program (Assembly Bill 9 [Chapter 6, *Statutes of Nevada 2001, 17th Special Session*])
 - D. Tahoe Science Advisory Council
 - E. Technology
 - F. Transportation
 - G. DCSID
 - H. Nevada Fire Safe Council
 - I. TRPA

The “Work Session Document” is attached and contains proposed recommendations. The document is also available on the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System [webpage](#). A hard copy may be obtained by contacting Jennifer Ruedy, Principal Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

VIII. Public Comment

(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

IX. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Research Division at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City and Las Vegas, Nevada, locations: Blasdel Building, 209 East Musser Street; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Legislative Counsel Bureau, Las Vegas Office, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed, e-mailed, or hand delivered for posting to the following Carson City and Las Vegas, Nevada, locations: Capitol Press Corps, Basement, Capitol Building, 101 North Carson Street; Clark County Government Center, Administrative Services, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature’s website at www.leg.state.nv.us.

Supporting public material provided to Committee members for this meeting may be requested from Lisa Gardner, Committee Secretary, Research Division of the Legislative Counsel Bureau at (775) 684-6825 and is/will be available at the following locations: Meeting locations and the Nevada Legislature’s website at www.leg.state.nv.us.

Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System

(Nevada Revised Statutes 218E.555)

WORK SESSION DOCUMENT



November 4, 2016

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Legislative Committee for the Review and Oversight of the Tahoe Regional
Planning Agency and the Marlette Lake Water System
(*Nevada Revised Statutes* [NRS] 218E.555)

November 4, 2016

The following “Work Session Document” was prepared by the staff of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency (TRPA) and the Marlette Lake Water System. The recommendations listed in this document are in no particular order and do not necessarily have the support or opposition of the Committee Chair or members. The Committee may accept, reject, modify, or take no action on any of the proposals. Actions available to the Committee members include: (1) approving bill draft requests (BDRs); (2) including statements in the Committee’s final report; and (3) sending letters of recommendation or support to specific persons or entities.

The members of the Committee may vote to send as many letters as they choose; however, pursuant to NRS 218D.160, the Committee is limited to ten BDRs, including requests for the drafting of legislative resolutions. On August 10, 2015, the Legislative Commission approved the waiving of the deadline for interim committees to meet after August 31 of even-numbered years, which is found in subsection 1 of NRS 218E.560. On September 9, 2016, the Legislative Commission approved the Committee’s request for an extension of the statutory deadline to submit committee BDRs that is found in subsection 3 of NRS 218D.160.

This document contains a summary of proposals for BDRs or other actions that have been presented during public hearings, through communication with individual Committee members, or through correspondence or communications submitted to the Committee. The source of each recommendation is noted in parentheses unless the proposal was raised and discussed by numerous individuals and entities during the course of the Committee’s meetings.

Committee members should be advised that Legislative Counsel Bureau staff may, at the direction of the Chair, coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the final report. If action is taken to adopt a recommendation, it will become part of the Committee's final report. The approved recommendations for legislation resulting from these deliberations will be prepared as BDRs and submitted to the 2017 Session of the Nevada Legislature.

Additional recommendations may be considered based on discussions held and presentations made at the November 4, 2016, hearing. Please see the agenda for details concerning scheduled presentations.

Subsection 5 of NRS 218E.560 requires that any recommended legislation proposed by the Committee be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

RECOMMENDATIONS

FOREST HEALTH

- 1. Request the drafting of a bill** to clarify the intent of NRS 528.053 as being applicable to timber owners/agents conducting logging operations near bodies of water. The proposed definitions and statutory revisions are intended to ensure that residential landowners may create defensible space on their properties without obtaining a variance from a committee composed of the State Forester Firewarden, Nevada's Division of Forestry (NDF), State Department of Conservation and Natural Resources (SDCNR); the Director of the Department of Wildlife; and the State Engineer, Division of Water Resources, SDCNR.

(This issue was brought to the attention of the Committee on May 26, 2016, by several individuals during public comment and during testimony provided by Forest Schafer; Forester, North Lake Tahoe Fire Protection District; John Pickett, Forester, Tahoe-Douglas Fire Protection District; and John Christopherson, Resource Management Program Manager, NDF, SDCNR)

LAKE TAHOE ENVIRONMENTAL IMPROVEMENT PROGRAM

- 2. Request the drafting of a bill** to extend the authority by ten years to June 30, 2030, for the issuance of the general obligation bonds authorized but not yet issued to fund Nevada's apportioned share of the costs for the Lake Tahoe Environmental Improvement Program (EIP). The Lake Tahoe EIP is a partnership between Nevada and California, the federal government, local governments, and the private sector. The bond revenue is used to leverage continued investment of federal dollars in the Lake Tahoe Basin.

The 2009 Nevada Legislature enacted Assembly Bill 18 (Chapter 431, *Statutes of Nevada*), which authorized the issuance of not more than \$100 million in general obligation bonds for the State's apportioned share of the costs for the second phase of the Lake Tahoe EIP between July 1, 2009, and June 30, 2020. Assembly Bill 18 was structured so that each legislative session, the Division of State Lands, the coordinating entity for the Lake Tahoe EIP, would return to request legislative authorization for each installment of those bond sales. For the past two biennia and the current biennium, a majority of the general obligation bonding affordability has been allocated to the State's Capital Improvement Program. Some bonds for the Lake Tahoe EIP have not been issued despite legislative authorization to do so because of the limited general obligation debt capacity.

Once the bonds approved for the 2015-2017 Biennium (\$1.5 million) are sold in November 2016, the total bonding authority approved to be issued for the second phase of the Lake Tahoe EIP will be \$7.4 million, and the overall total bonding authority remaining will be \$92.6 million.

(Discussed at the May 26, 2016, meeting by James R. Lawrence, Deputy Director, SDCNR, and Charles Donohue, Administrator and State Land Registrar, Division of State Lands, SDCNR.)

- 3. Send a Committee letter to** the State Board of Finance to urge the issuance of the bonds authorized, but not yet issued, for the support of the Lake Tahoe EIP. Include a policy statement that a dependable, consistent amount of funding is necessary to ensure program success.

(Issue discussed at the November 30, 2015, and May 26, 2016, meetings.)

- 4. Request the drafting of a bill** to amend subsection 2 of NRS 322.160 to allow all revenue collected by the Division of State Lands for piers and buoys in the Lake Tahoe Basin to be deposited in a separate budget account to be used only for projects or programs that benefit the Lake Tahoe Basin.

The revenue that the Division of State Lands has received from pier and buoy fees in the Lake Tahoe Basin and deposited into the State General Fund over the last 3-year period is the following:

Fiscal Year 2014: \$52,375
(piers \$7,965 and buoys \$44,410)

Fiscal Year 2015: \$51,642.50
(piers \$9,262.50 and buoys \$42,380)

Fiscal Year 2016: \$55,180
(piers \$9,337.50 and buoys \$45,842.50)

(Data provided by the Division of State Lands. Requested by Chair Kieckhefer.)

QUESTION 1 PROGRAM

5. **Request the drafting of a bill** to extend the authority by five years to June 30, 2024, for the issuance of the general obligation bonds authorized, but not yet issued, for the Conservation and Resource Protection Grant Program, commonly referred to as the “Question 1 Program.”

In 2001, the Nevada Legislature approved A.B. 9 (Chapter 6, *Statutes of Nevada, 17th Special Session*), which required that a proposal be submitted to the voters of Nevada to issue general obligation bonds to protect, preserve, and obtain the benefits of the property and natural resources of Nevada. The total bonding was not to exceed \$200 million. The bill also provided for the creation of the Fund to Protect Natural Resources in the State General Fund to be administered by the Director of the SDCNR. The voters approved Question 1 on November 5, 2002. Most recently, S.B. 489 (Chapter 251, *Statutes of Nevada 2013*) extended the date for the issuance of general obligation bonds for the Question 1 Program to June 30, 2019. The money from the bonds was to be allocated to seven areas, including \$65.5 million to the Division of State Lands to provide grants for State agencies, local governments, or qualifying private nonprofit organizations for various programs, including conservation easements. Budgetary constraints resulted in a temporary suspension of bond sales. The remaining bond authority includes approximately \$18.5 million for a grant program administered by the Division of State Lands, and \$1.15 million of that is designated for the Stateline-to-Stateline Bikeway in the Lake Tahoe Basin.

(Discussed at the May 26, 2016, meeting by James R. Lawrence, Deputy Director, SDCNR, and Charles Donohue, Administrator and State Land Registrar, Division of State Lands, SDCNR.)

TAHOE SCIENCE ADVISORY COUNCIL

- 6. Include a statement** in the Committee’s final report in support of Nevada’s participation in the bistate Tahoe Science Advisory Council. The Council was established through a memorandum of understanding between California and Nevada on February 12, 2015, for purposes of promoting and enhancing the best science available on matters of mutual interest to both states.

(Zachary Hymanson, Program Officer, Tahoe Science Advisory Council, California Natural Resources Agency, provided the Committee an overview of the Tahoe Science Advisory Council on July 15, 2016.)

TECHNOLOGY

- 7. Include a statement** in the Committee’s final report urging that fiber optic cable be installed whenever feasible in conjunction with road construction in the Lake Tahoe Basin to improve connectivity while minimizing soil disturbance.

(At the Committee meeting on March 4, 2016, Joanne S. Marchetta, Executive Director, TRPA, discussed efforts to complete other projects, including the installation of fiber optic cable, in conjunction with road construction in the Lake Tahoe Basin. At the Committee meeting on April 13, 2016, Betty “B” Gorman, President/Chief Executive Officer, Tahoe Chamber of Commerce, and Member, Board of Directors, Tahoe Prosperity Center [TPC], noted that the TPC, through a grant from the California Public Utilities Commission, is working to expand high-speed Internet service to the entire Lake Tahoe Basin.)

TRANSPORTATION

- 8. Request the drafting of a bill** to amend Article IX (“Transportation District”) of the Tahoe Regional Planning Compact, which is codified in NRS 277.200, to delete the language prohibiting the Tahoe Transportation District “from imposing any other tax measured by gross or net receipts on business, an ad valorem tax, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices.” The prohibition is found in subsection (f)(8) of Article IX of the Compact. According to subsection (h) of Article IX of the Compact, “The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.”

(Submitted by Carl Hasty, District Manager, Tahoe Transportation District, on August 12, 2016.)

9. **Request the drafting of a bill** to establish a recreation travel demand fee similar to that found in NRS 244A.800 through 244A.830 on car rentals to be used by the Tahoe Transportation District for its transportation program.

(The attachment was submitted to Committee staff by Carl Hasty, District Manager, Tahoe Transportation District, on September 30, 2016.)

DOUGLAS COUNTY SEWER IMPROVEMENT DISTRICT NO. 1

10. **Request the drafting of a bill** to expand ratepayer governance of the Douglas County Sewer Improvement District No. 1 (DCSID) as requested per the attached correspondence from DCSID, Kingsbury General Improvement District, Round Hill General Improvement District, and Tahoe Douglas District dated September 22, 2016.

(This issue is on the agenda for the Committee meeting on November 4, 2016, which is to immediately precede the work session. The attachment was submitted to Committee staff by James R. Cavilia, Esq., General Counsel for the DCSID, Allison MacKenzie, Ltd., on behalf of the DCSID on September 23, 2016.)