

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- March 3, 1969

The twentieth meeting of the Committee on Federal, State and Local Governments was held on March 3, 1969 at 3:00 P.M.

Committee members present: Chairman James Gibson
Warren L. Monroe
Vernon E. Bunker
Chic Hecht
Carl F. Dodge
Marvin L. White

Also present were:

Frank Daykin Legislative Counsel
Curt Blyth Nevada Municipal Association
Roy Robinette

Press representatives

Chairman Gibson called the meeting to order. Under consideration were several bills.

SB-130 Proposed by the Committee on Education.
Amends local government Purchasing Act to raise contract amount requiring advertising; permits change of place of opening bids. Executive estimate of cost: None.

There had been extensive discussion of this at the previous Committee meeting. (February 28, 1969). There was further discussion with Mr. Blyth and the Committee members regarding formal and informal bidding, the possible number of contracts involved during the year. Senator Farr stated the possibility of amending various portions of SB-130 and putting it into SB-222. There was further discussion.

Senator Hecht moved this bill be killed, seconded by Senator Bunker. Vote was unanimous for this action.

SB-222 Proposed by Committee on Federal, State and Local Governments.
Makes comprehensive revisions in Local Government Purchasing Act.

This bill had also been discussed at the previous meeting. Senator Gibson detailed the various amendments which had been suggested and were now drafted. Regarding the new language in line 3, page 1, Senator Dodge said he felt this was meritorious. "The estimated aggregate amount" allows for a margin in contract bidding.

There was discussion regarding the period of advertising (lines 19 and 20, page 1).

There was no objection in the Committee to the lowering of the number of days for this.

There was brief discussion concerning line 4, page 2, . . . "patented of sole source item." The committee agreed to omit the word "patented" -- and use only "sole source item."

There was considerable Committee discussion regarding Section 4, lines 20-35. There was objection to polling (informally) by telephone, although Mr. Blyth cited instances of difficulty in obtaining a quorum of the governing body in person. Senator Dodge stated that the wording concerning the informal poll actually does not need to be in the law at all. There was also a feeling regarding "emergency" and "emergency provision" -- and the Committee stated a wish to tie down this definition to something more specific in addition to eliminating the language concerning informal polling. Chairman Gibson stated that such an amendment would be worked out.

There was extensive inter-committee discussion regarding Section 6, dealing with acceptance or rejection of bids.

Upon review of Section 11 (conflict of interest clause), Senator Dodge stated that he himself had been the recipient of such a piece of legislation at one time -- in regards to his pellet plant furnishing experimental feed to the University of Nevada. Because of this experience, he said, he can appreciate a unique situation in which one must balance the equities between a potential conflict and a situation as far as governmental activities are concerned.

The balance of the Sections were approved by the Committee, at which time Senator Monroe moved "Amend and Do Pass," seconded by Senator Dodge. Vote was unanimous for passage.

SB-75 Proposed by Senator Pozzi.
Consolidates Ormsby County and Carson City into one municipal government.

This bill was again extensively discussed. Chairman Gibson went over the amendments one by one -- (the bill now being in reprint.) Chairman Gibson asked Mr. Daykin for an explanation of the amendment on indebtedness.

Mr. Daykin: That came out of Bob Johnson's letter, translated into what I hoped was English -- but apparently it didn't come out that way.

Senator Dodge: I think it did, but one of the questions we had was whether we're making provisions in these city charters too liberal -- and the laws concerning what cities can do concerning financing. You have a provision in there that says nothing but the defaulted part of an assessment district obligation is considered part of the debt.

Mr. Daykin: Yes. That was the proposal made by Johnson, Nick Smith and the group over here. Now it may not be wise as a matter of policy -- but that was the recommendation transmitted to us.

7

Senator Dodge: Well, actually -- what are the alternatives. One of the things we were talking about is that in any of these assessment districts, you would have a contingent obligation. But if, in fact, you are going to include a contingency in the debt base, it might preclude them from doing what they thought was their legitimate financing. In other words, it might be chewed up by the assessment districts. So I suppose what we have to decide is whether we're going to permit that or that the city is going to have to take into consideration either direct or contingent obligation.

Chairman Gibson stated that they had had a proposal from the local budgeting advisory committee on the definition of debt. In any of these categories, any part that becomes a responsibility either on the property tax -- or if they become deficient -- that becomes a part of the debt.

Mr. Daykin: Comparing this language to what I received as a bill drafting request from the other counsel, the new effect might be very similar -- because they would exclude from the debt limit any revenue bonds or any of the double-barrelled bonds which are both revenue and general obligation -- where the revenue pledge would, in fact, be sufficient to discharge the obligation. Then they would pick up one-fourth of special assessment bonds.

Now, comparing that to this -- this excludes revenue bonds unless the full faith and credit of the city is also pledged to their payment. For example, taking the Fair and Recreation Board Bonds, they would count under this amendment just as they do now against the debt limit. Under the proposal made by the advisory committee, those would not count against the debt limit. It is, of course, unpredictable except as you analyze any particular municipality -- which one weighs off the other, but right here in Carson City -- excluding that \$700,000.00 from the debt limit -- would considerably more than offset anything you pick up under an assessment district.

Chairman Gibson: I think we ought to be consistent. I don't know, of course, that we will define debt as has been recommended by this group -- but I wonder if we hadn't better make sure that what we do here is consistent with what we may do there.

Chairman Gibson then requested that the Research Department make the Committee a chart on all the county officials -- salaries, and the provisions that apply throughout the State as of now. This would be referential material as these bills come before the Committee. There was brief further discussion. The Committee will wait for the new amendments.

SB-199 Proposed by Senator Hug.
Provides procedure for school districts to lease or rent real property under a certain rental value.

Senator Farr explained the bill, stating that they purchase land for school sites, et cetera -- and they purchase it in advance of allowing people to know that they have it (in order to prevent land speculation) -- and they like to sometimes lease that land back to a farmer -- because he may have alfalfa on it or something of that nature and that's all that this does -- allow a lease-back from year to year so they can obtain some revenue from the land.

Chairman Gibson noted that the public was safeguarded in this bill. There is provision for notice and public meeting and action of the full board is reflected. An amendment was proposed for line 21, page 1, adding the words "at least once." Senator Dodge moved Amend and Do Pass, seconded by Senator Farr. Vote was unanimous for passage.

SB-211 Proposed by Senator Slattery.
Provides that written voter challenges have no application to persons who vote by absent or mailing ballot.

After brief discussion on this bill, the Committee decided to hold it in abeyance.

SB-225 Proposed by Committee on Federal, State and Local Governments.
Specifies proportionate reversion of vacated streets to property owners and reserves certain rights to governing bodies.

Chairman Gibson explained this bill, stating that when a street is vacated now there is difficulty in determining responsibility for the area vacated. Some property owners do not take it over, some do -- and it isn't clear in the law what portion each shall have. This bill states that the title of the street shall revert to the abutting property owners in the proportion that the property is dedicated by such abutting property owners or their predecessors in interest. In the event of a partial vacation of a street, where the vacated portion is separated from the property from which it was acquired by the unvacated portion, the governing body can sell such vacated portion upon such terms and conditions as it deems desirable in the best interest of the city.

There was an amendment suggested for page 2, line 5. Senator Farr moved Amend and Do Pass, seconded by Senator White. Vote was unanimous for passage.

SB-242 Proposed by Senators Swobe, Harris, Hug, Pozzi, Young, Farr and Slattery.
Temporarily prohibits logging in Lake Tahoe Basin.

Chairman Gibson explained this bill. Mr. Roy Robinette further stated that an objection to the bill is that it prevents any logging in the area and there is need for logging for clean-up, diseased trees, et cetera.

It was decided to hold this bill for amendments.

SJR-15 Proposed by Senator Swobe.
Requests Senator Bible to introduce legislation concerning Lake Tahoe.

Senator Dodge moved Do Pass, seconded by Senator Farr. Vote was unanimous for passage.

Various bills coming up for discussion in the near future were discussed and the possibilities of hearing on various matters.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Patricia F. Burke

Patricia F. Burke,
Committee Secretary

SENATE BILL NO. 130—COMMITTEE ON EDUCATION

FEBRUARY 4, 1969

Referred to Committee on Education

SUMMARY—Amends Local Government Purchasing Act to raise contract amount requiring advertising; permits change of place of opening bids. Executive estimate of cost: None. (BDR 27-462)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to local government purchasing; raising the aggregate contract amount which requires advertising; permitting the bids to be opened at other than a regular or special meeting of the governing board; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 332.040 is hereby amended to read as follows:
2 332.040 1. Except as otherwise provided by law, in letting all con-
3 tracts where the contract in the aggregate exceeds [~~\$2,500,~~] \$5,000, the
4 governing body shall advertise such contract or contracts twice within
5 a period of 15 days, with at least [10] 7 days intervening between such
6 advertisements.
7 2. Such advertisement shall be by notice to bid to be published in a
8 newspaper published and having general circulation within the county
9 wherein the local government, or a major portion thereof, is situated.
10 If no such newspaper is published in the county, then publication shall
11 be in any newspaper published in the state having general circulation in
12 the county.
13 3. Such notice shall state:
14 (a) The nature, character and object of the contract.
15 (b) If plans and specifications are to constitute part of the contract,
16 where such plans and specifications may be seen.
17 (c) The time and place where bids will be received and opened.
18 (d) Such other matters as may properly pertain to giving notice to bid.
19 4. No contract may be awarded for a period of at least 5 days after
20 the last publication.
21 SEC. 2. NRS 332.050 is hereby amended to read as follows:
22 332.050 Except as otherwise provided by law, a governing body may
23 let a contract of any nature without advertising if:

1 1. The estimated amount required to perform the contract is greater
2 than \$1,000 but does not exceed ~~[\$2,500.]~~ \$5,000.

3 2. Requests for informal bids have been submitted to ~~[and such bids~~
4 ~~have been received from]~~ at least three persons who are capable of per-
5 forming the contract. *The request for informal bids shall state the time*
6 *and place where such bids will be received and the time and place where*
7 *such bids will be opened.*

8 SEC. 3. NRS 332.110 is hereby amended to read as follows:

9 332.110 All bids received in response to an advertisement or a
10 request for informal bids shall be opened publicly at ~~[a regular or special~~
11 ~~meeting of the governing body.]~~ *the time and place specified in the adver-*
12 *tisement or informal request. Such opening may be at a time and place*
13 *other than a regular or special meeting of the governing body, but accept-*
14 *ance of a bid shall be made at such a meeting.*

15 SEC. 4. This act shall become effective upon passage and approval.

S. B. 222

SENATE BILL NO. 222—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS

FEBRUARY 18, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Makes comprehensive revisions in Local Government Purchasing
Act. (BDR 27-1449)EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.AN ACT making comprehensive revisions in chapter 332 of NRS, being the Local
Government Purchasing Act.*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 332.040 is hereby amended to read as follows:
2 332.040 1. Except as otherwise provided by law, in letting all con-
3 tracts where *the estimated aggregate amount required to perform the*
4 contract [in the aggregate] exceeds \$2,500, the governing body shall
5 advertise such contract or contracts twice within a period of [15] 10
6 days, with at least [10] 5 days intervening between such advertisements.
7 2. Such advertisement shall be by notice to bid to be published in a
8 newspaper published and having general circulation within the county
9 wherein the local government, or a major portion thereof, is situated. If
10 no such newspaper is published in the county, then publication shall be
11 in any newspaper published in the state having general circulation in the
12 county.
13 3. Such notice shall state:
14 (a) The nature, character and object of the contract.
15 (b) If plans and specifications are to constitute part of the contract,
16 where such plans and specifications may be seen.
17 (c) The time and place where the bids will be received and opened.
18 (d) Such other matters as may properly pertain to giving notice to bid.
19 4. No [contract] bid may be [awarded] opened for a period of at
20 least [5] 4 days after the last publication.
21 SEC. 2. NRS 332.050 is hereby amended to read as follows:
22 332.050 Except as otherwise provided by law, a governing body may
23 let a contract of any nature without advertising if:
24 1. The estimated amount required to perform the contract is greater
25 than \$1,000 but does not exceed \$2,500.

SENATE BILL NO. 75—SENATOR POZZI

JANUARY 28, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Consolidates Ormsby County and Carson City into one municipal government. (BDR S-22)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to Carson City; consolidating Ormsby County and Carson City into one municipal government to be known as Carson City; providing a charter therefor; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Ormsby County and Carson City are hereby consolidated
2 into one municipal government to be known as Carson City.
3 SEC. 2. The charter of Carson City is as follows. Each section of the
4 charter shall be deemed to be a section of this act for the purpose of any
5 subsequent amendment.

6
7 ARTICLE 1

8
9 Incorporation of City; General Powers; Boundaries,
10 Districts, Wards and Annexations

11
12 Section 1.010 Preamble: Legislative intent.

- 13 1. In order to provide for the orderly government of Carson City and
14 the general welfare of its citizens and to effect the consolidation of the
15 governments and functions of Carson City and Ormsby County, the legis-
16 lature hereby establishes this charter for the government of Carson City.
17 It is expressly declared as the intent of the legislature that all provisions
18 of this charter be liberally construed to carry out the expressed purposes
19 of the charter and that the specific mention of particular powers shall not
20 be construed as limiting in any way the general powers necessary to carry
21 out purposes of the charter.
22 2. Any powers expressly granted by this charter are in addition to
23 any powers granted to a city or county by the general law of this state
24 and all such powers may by reasonable classification be exercised in
25 either the urban services district or general services district, or both, as
26 such districts are defined in section 1.050. All provisions of Nevada

S. B. 199

SENATE BILL NO. 199—SENATOR HUG

FEBRUARY 13, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides procedure for school districts to lease or rent real property under a certain rental value. (BDR 34-965)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to school districts; establishing procedure for leasing or renting real property under a certain rental value; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 393 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 6, inclusive, of this act.
- 3 SEC. 2. 1. *When the board of trustees determines that the rental*
- 4 *value of any real property belonging to the school district is \$1,000 or*
- 5 *less a year, the board of trustees may lease or rent such property for a*
- 6 *year or less without obtaining a formal appraisal.*
- 7 2. *After determining the amount and the terms of the lease, the board*
- 8 *of trustees shall in open meeting by a majority vote of the members*
- 9 *adopt a resolution declaring its intention to lease the property. The reso-*
- 10 *lution shall:*
- 11 (a) *Describe the real property proposed to be leased, and such descrip-*
- 12 *tion must be sufficiently clear to identify readily the property involved.*
- 13 (b) *Specify the rental price and the use for which the property is to be*
- 14 *leased or rented. All leases and rentals shall be for cash.*
- 15 (c) *Fix a time, not less than 1 week after publication of notice, for a*
- 16 *public meeting of the board of trustees to be held at its regular place of*
- 17 *meeting, at which time lease or rental proposals will be heard and con-*
- 18 *sidered.*
- 19 SEC. 3. *Notice of the adoption of the resolution and the time and*
- 20 *place of holding the meeting shall be given by publication of the resolu-*
- 21 *tion in a newspaper of general circulation in the school district.*
- 22 SEC. 4. 1. *At the time and place fixed in the notice for the meeting*
- 23 *required by section 2 of this act, the clerk of the board of trustees shall*
- 24 *read the public notice.*
- 25 2. *The president of the board of trustees shall then ask for any:*

1 (a) *Protests to the proposed lease.*

2 (b) *Proposals from any individuals or associations interested in leasing*
3 *the property. The board of trustees shall not consider any such proposal*
4 *unless the amount of the rental is at least 5 percent greater than the*
5 *amount specified in the original proposal and the notice.*

6 3. *After hearing any protests or additional proposals, the board of*
7 *trustees shall determine whether to lease or rent such property, and if so,*
8 *it shall accept the highest oral bid if such bid is made by a responsible*
9 *person and meets the requirements of subsection 2.*

10 SEC. 5. *Any lease or rental agreement entered into pursuant to sec-*
11 *tions 2 to 4, inclusive, of this act may be renewed without a public hear-*
12 *ing, for 3 years after the original agreement, subject to yearly review and*
13 *adjustment, at the discretion of the board of trustees, of the amount of*
14 *the rental and the terms of the lease or agreement. Any adjustment of*
15 *the amount of the rental shall not be for an amount less than that pro-*
16 *vided in the original agreement unless the board of trustees determines*
17 *that it is in the best interest of the school district.*

18 SEC. 6. *All moneys received from the rental or lease of real property*
19 *pursuant to sections 2 to 6, inclusive, of this act shall be deposited with*
20 *the county treasurer of the county in which the school district is located*
21 *and shall be credited to the school district building and site fund.*

22 SEC. 7. NRS 393.220 is hereby amended to read as follows:

23 393.220 1. When the board of trustees of a school district determines
24 that the sale, rental or lease of real property belonging to the school dis-
25 trict is necessary or for the best interests of the school district, the board
26 shall have the power to sell, rent or lease such real property, whether
27 acquired by purchase, dedication or otherwise.

28 2. The provisions of subsection 1 shall not be construed to permit the
29 sale, rental or lease of any real property in contravention of any condition
30 in a gift or devise of real property to the school district.

31 SEC. 8. NRS 393.240 is hereby amended to read as follows:

32 393.240 1. When the board of trustees proposes to sell or lease any
33 real property, *except for the lease or rental of real property pursuant to*
34 *sections 2 to 6, inclusive, of this act*, the board shall appoint two apprais-
35 ers. A third appraiser shall be appointed by the state department of edu-
36 cation.

37 2. The appraisers shall make a report to the board of trustees of their
38 findings and determinations of the cash market value of the property pro-
39 posed to be sold, or the rental value of the property proposed to be leased.

40 3. No sale or lease of real property shall be made for less than the
41 value fixed by the appraisers.

42 4. The compensation of the appraisers shall be fixed by the board of
43 trustees, and shall be a legal charge against the school district fund.

44 SEC. 9. This act shall become effective upon passage and approval.

SENATE BILL NO. 211—SENATOR SLATTERY

FEBRUARY 17, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Provides that written voter challenges have no application to persons who vote by absent or mailing ballot. (BDR 24-1138)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT to amend NRS 293.547, relating to written challenges against registered voters, by removing voters who vote by absent ballot or by mailing ballot from its coverage.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 293.547 is hereby amended to read as follows:
2 293.547 1. After the 30th day but not later than the third day prior
3 to any election, a written challenge may be filed with the county clerk.
4 Such challenge shall be signed and verified by a registered voter and name
5 the person whose right to vote is challenged and the ground of the chal-
6 lenge.
7 2. The county clerk shall file the challenge in the county clerk's reg-
8 ister and attach a copy thereof to the challenged registration in the election
9 board register.
10 3. *Such challenge may not be employed against a person who votes*
11 *by:*
12 (a) *Absent ballot.*
13 (b) *Mailing ballot.*
14 SEC. 2. This act shall become effective upon passage and approval.

S. B. 225**SENATE BILL NO. 225—COMMITTEE ON FEDERAL, STATE
AND LOCAL GOVERNMENTS**

FEBRUARY 18, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Specifies proportionate reversion of vacated streets to abutting property owners and reserves certain rights to governing bodies. (BDR 22-1450)**EXPLANATION**—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to planning and zoning; specifying in what proportion vacated streets shall revert to abutting property owners; reserving to the governing body certain rights and easements; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 278.480 is hereby amended to read as follows:
 2 278.480 1. Any person, firm or corporation desiring the vacation or
 3 abandonment of any street or portion thereof shall file a petition in writ-
 4 ing, signed by not less than three freeholders owning lands within the
 5 area affected by the proposed vacation and abandonment, with the gov-
 6 erning body having jurisdiction.
 7 2. If there be a planning commission, the governing body shall refer
 8 the petition to the planning commission, which shall report thereon to
 9 the governing body as set forth in NRS 278.240.
 10 3. Whenever any streets are proposed to be vacated, the governing
 11 body shall cause the streets to be posted with a notice setting forth the
 12 extent of the proposed abandonment and setting a date for public hear-
 13 ing, which date shall be not less than 30 days and not more than 40 days
 14 subsequent to the date of posting of the street.
 15 4. If, upon public hearing, the governing body is satisfied that the
 16 public will not be materially injured by the proposed vacation, it shall
 17 order the street to be vacated. The governing body may make such order
 18 conditional, and the order shall become effective only upon the fulfillment
 19 of the conditions prescribed.
 20 5. The order shall be recorded in the office of the county recorder,
 21 if all the conditions of the order have been fulfilled, and upon such
 22 recordation title to the street shall revert to the abutting property own-
 23 ers [.] *in the proportion that the property was dedicated by such abutting*

1 *property owners or their predecessors in interest. In the event of a partial*
2 *vacation of a street where the vacated portion is separated from the*
3 *property from which it was acquired by the unvacated portion thereof,*
4 *the governing body may sell such vacated portion upon such terms and*
5 *conditions as it deems desirable and in the best interests of the city.*

6 6. Any easement for light and air adjacent to any vacated street is
7 vacated upon the vacation of the street.

8 7. In any vacation or abandonment of any street or portion thereof,
9 the governing body may reserve and except therefrom any easements,
10 rights or interests therein which the governing body may deem desirable
11 and in the best interests of the city.

12 SEC. 2. This act shall become effective upon passage and approval.

Fed

S. B. 242

**SENATE BILL NO. 242—SENATORS SWOBE, HARRIS, HUG,
POZZI, YOUNG, FARR AND SLATTERY**

FEBRUARY 20, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Temporarily prohibits logging in Lake Tahoe basin. (BDR S-1599)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Lake Tahoe basin; prohibiting logging in the basin until appropriate regulations are developed by a planning agency; providing a penalty; and providing other matters properly relating thereto.

- 1 WHEREAS, The legislature is informed that large-scale timber-cutting
- 2 operations are planned within the Lake Tahoe basin in the immediate
- 3 future; and
- 4 WHEREAS, The combination in the Lake Tahoe basin of granite soils,
- 5 dry summers, flash flooding and difficulty in reestablishing vegetative cover
- 6 make the hillsides peculiarly susceptible to erosion, with the result that
- 7 logging in the absence of careful control can work irreversible damage to
- 8 the natural environment; and
- 9 WHEREAS, The legislature has recognized the unique problems of
- 10 resource conservation and development in the Lake Tahoe basin by its
- 11 ratification of the Tahoe Regional Planning Compact and its recent estab-
- 12 lishment of the interim Nevada Tahoe regional planning agency; now,
- 13 therefore,
- 14
- 15 *The People of the State of Nevada, represented in Senate and Assembly,*
- 16 *do enact as follows:*
- 17
- 18 SECTION 1. The legislature finds that:
- 19 1. It is imperative that the existing natural environment and resources
- 20 of the Lake Tahoe basin be preserved until comprehensive plans and
- 21 appropriate regulations can be prepared and adopted.
- 22 2. Because of the special conditions existing in the Lake Tahoe basin,
- 23 a general law cannot be made applicable.
- 24 SEC. 2. As used in this act, the "Lake Tahoe basin" includes Lake
- 25 Tahoe and all lands in the State of Nevada from which the natural drain-
- 26 age is directly or ultimately into Lake Tahoe.
- 27 SEC. 3. Except as otherwise provided in section 4 of this act, it is
- 28 unlawful for any person to cut or otherwise fell a standing tree within the

- 1 Lake Tahoe basin until at least the following have been prepared and
2 adopted by the Tahoe Regional Planning Agency or the Nevada Tahoe
3 regional planning agency, whichever first adopts:
4 1. A conservation plan as an element of a regional plan; and
5 2. Regulations covering tree removal and watershed protection.
6 SEC. 4. 1. The state forester firewarden may grant permission, in
7 writing, for the removal of specified trees, or trees from specified areas,
8 if he determines that such removal is necessary to prevent the spread of
9 disease, to provide protection against fire or to remove a hazard to persons
10 or property.
11 2. Any person actually engaged in fighting a forest fire may cut or
12 remove any tree reasonably necessary to be cut or removed for such pur-
13 pose.
14 SEC. 5. Any person who cuts or otherwise fells a standing tree in
15 violation of the provisions of this act is guilty of a misdemeanor. The
16 cutting of each tree so cut or felled is a separate offense.
17 SEC. 6. This act shall become effective upon passage and approval.

S. J. R. 15

SENATE JOINT RESOLUTION NO. 15—SENATOR SWOBE

FEBRUARY 26, 1969

Referred to Committee on Federal, State and Local Governments

SUMMARY—Requests Senator Bible to introduce legislation concerning Lake Tahoe. (BDR 1265)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

SENATE JOINT RESOLUTION—Requesting Senator Alan Bible to introduce in the United States Senate certain legislation concerning Lake Tahoe.

- 1 WHEREAS, The 55th session of the Nevada legislature recognizes the
 2 unique natural characteristics and unsurpassed beauty to be found in the
 3 Lake Tahoe basin, and further recognizes the need for immediate action
 4 to preserve the clarity of the lake and its scenic forest environs as open
 5 space and recreation reserves; and
 6 WHEREAS, Opportunities exist for establishment of large areas of open
 7 space and recreation lands in Nevada and the entire basin; and
 8 WHEREAS, If steps to establish a portion of the basin's undeveloped
 9 lands for recreation and open space fail, the area may be subjected to
 10 overdevelopment and, further, the natural resources of the basin may be
 11 excessively exploited and their integrity impaired; and
 12 WHEREAS, The Nevada legislature in recognizing the resource needs of
 13 the Lake Tahoe basin has enacted the following major programs in its
 14 effort to preserve Lake Tahoe:
- 15 1. In 1963, purchased Marlette Lake and surrounding lands in
 16 Washoe and Ormsby counties for the preservation of a prime water sup-
 17 ply and watershed;
 - 18 2. In 1964, authorized the acquisition of 12,000 acres for park and
 19 recreation purposes in Washoe and Ormsby counties, which included 7
 20 miles of shoreline, of which 3 miles have been purchased; and
 - 21 3. In 1964, appropriated 1½ million dollars to finance the purchase
 22 of park lands, which, through the generosity of the Max C. Fleischmann
 23 Foundation was matched by an additional 1½ million dollars; and
- 24 WHEREAS, The Federal Government, through its Department of the
 25 Interior, Bureau of Outdoor Recreation, in recognizing the significance of
 26 Nevada's Lake Tahoe state park land acquisition project, approved a 3-
 27 million dollar Land and Water Conservation Fund grant to match state
 28 and foundation funds; and

1 WHEREAS, Nevada, through legislative and executive actions of the past
2 several years, is making outstanding progress to preserve Lake Tahoe and
3 its environs; and

4 WHEREAS, Lake Tahoe is recognized as a national attraction and
5 deserves the financial support of the Federal Government to hasten pres-
6 ervation of the basin for the enjoyment of all the nation's citizenry; and

7 WHEREAS, The United States Forest Service administers national forest
8 lands within the Nevada portion of the Lake Tahoe basin known as the
9 Toiyabe National Forest; and

10 WHEREAS, The Toiyabe National Forest, if authorized and funded,
11 could offer immediate assistance and supplemental support to the State
12 of Nevada in preserving the integrity and beauty of the basin; and

13 WHEREAS, Expansion of that portion of the Toiyabe National Forest
14 situated in the Lake Tahoe basin has not kept pace with general urban
15 growth patterns and increased needs for additional recreation and open
16 space lands in the basin; and

17 WHEREAS, The Toiyabe National Forest is immediately capable of
18 contributing significantly to the overall development and protection of
19 resource values in the Lake Tahoe basin; now, therefore, be it

20 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
21 That Senator Alan Bible is encouraged and requested to introduce legis-
22 lation in the 91st Congress of the United States:

23 1. Immediately to expand the Toiyabe National Forest boundary in
24 Ormsby and Douglas counties to the shoreline of Lake Tahoe;

25 2. To appropriate funds to enable the United States Forest Service
26 to implement an immediate land acquisition program for purposes of
27 acquiring significant mountain and lakeshore lands while they are still
28 available;

29 3. To authorize the Bureau of Outdoor Recreation to conduct a
30 recreation resource study of the entire Lake Tahoe basin to determine
31 specifically actions and administrative direction that should take place in
32 the management and development of federal public lands in the Lake
33 Tahoe basin; and

34 4. To require that, after completion of the study, consideration be
35 given to the establishment of a national park, national recreation area or
36 national lakeshore in the Lake Tahoe basin, to be administered by the
37 United States Forest Service, the United States Park Service or other
38 appropriate state or federal agencies; and, be it further

39 *Resolved,* That copies of this resolution be transmitted forthwith by
40 the legislative counsel to President Richard M. Nixon, Senator Alan Bible,
41 Senator Howard Cannon and Representative Walter S. Baring.

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