

The meeting was called to order at 2:08 p.m. Senator Neal in the Chair.

MEMBERS

PRESENT: Senator Joe Neal, Chairman  
Senator Norman Glaser, Vice-Chairman  
Senator Wilbur Faiss  
Senator Lawrence Jacobsen  
Senator Mike Sloan

MEMBERS

EXCUSED: Senator Floyd Lamb

OTHERS

PRESENT: Mr. Gary Sheerin, Attorney  
Mr. Frank Daykin, Legislative Counsel

Senator Neal announced that before the committee will take administrative action on A.B. 234, they will consider committee introduction of the following BDRs.

BDR 50-1579 - Provides for seizure, care and disposition of animals being cruelly treated and requires frequent visits to certain traps. (SB 460)

BDR 50-1681 - Regulates euthanasia of animals. (SB 461)

Senator Jacobsen moved for committee introduction of BDR 50-1579 and BDR 50-1681.

Seconded by Senator Sloan.

Motion carried.

Senator Neal called for administrative action on A.B. 234.

A.B. 234 - Establishes boundary between Lake Tahoe and adjoining lands.

Senator Jacobsen had an amendment drafted which was to change the water elevation from 6,221 to 6,223. A copy of that amendment, No. 450, is attached. The amendment was not drafted correctly because it changes A.B. 234 to its original form when considered by the Assembly. The Assembly amended the bill and this committee only considered A.B. 234 in the first reprint form. Senator Jacobsen stated that his intention was only to change the elevation from 6,221 to 6,223.

Mr. Gary Sheerin informed the committee of the problems that would occur if the bill was put back to its original form, and stated some of the reasons why the bill was amended by the Assembly in the first place.

The committee asked Mr. Frank Daykin to explain why the amendment changed the bill back to its original form. Mr. Daykin felt that the amendment was just a lack of communication between the requestor and the bill drafter. The request was to put the bill back as it was when it was introduced, and the bill drafter assumed the requestor meant the entire bill, not just the elevation.

Senator Sloan, speaking to the legal questions raised in previous meetings, felt assured after reviewing all the materials supplied to him by the attorney general's office and others, that the legislature would not jeopardize any downstream water users or expose the state to any liability, by using the elevation 6,223.

Mr. Frank Daykin agreed to draw an amendment which would change only the reference to the elevation 6,221 to 6,223.


Senator Jacobsen moved that A.B. 234 be passed out of committee with the recommendation: Amend, and do pass as amended.

Seconded by Senator Sloan.


Motion carried.

There being no further business, the meeting was adjourned at 2:32 p.m.

Respectfully submitted,

  
Eileen Wynkoop  
Committee Secretary

APPROVED:

  
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Joe Neal, Chairman

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Assembly</u>	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. <u>234</u>	<del>Joint</del>
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	BDR <u>26-961</u>	<del>Resolution No.</del>
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Proposed by <u>Committee on Natural Resources</u>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>		
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Date: <input type="checkbox"/>		
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment N<sup>o</sup> 450



Amend section 1, page 1, line 2, by deleting the bracket.

Amend section 1, page 1, line 4, by deleting "shall" and inserting "[shall] must".

Amend section 1, page 1, by deleting lines 15 through 18 and inserting:

"guilty of a misdemeanor.

4. For the purposes of this section, the boundary between the bed of Lake Tahoe and adjoining land is a line circumscribing Lake Tahoe at an elevation of 6,223 feet, Lake Tahoe datum."

Amend section 2, page 2, by deleting line 6 and inserting: "[high water elevation (6,229.1 feet)] elevation of 6,223 feet, Lake Tahoe datum, requires written permission from the".

Amend section 2, page 2, by deleting lines 11 and 12.

Amend the bill as a whole, by inserting a new section, to be designated as section 3, following section 2, to read:

o: E & E  
LCB File  
Journal  
Engrossment  
Bill

Date 4-1-79 Drafted by DS:sl

474

"Sec. 3. NRS 445.090 is hereby amended to read as follows:

445.090 1. Except as provided in subsection 2, the direct discharge of sewage or other wastes into Lake Tahoe, or within 100 feet of the [established high water rim of Lake Tahoe,] shoreline of Lake Tahoe at the elevation of 6,223 feet, Lake Tahoe datum, or within 100 feet of a stream, reservoir, spring, well or other water supply in the Lake Tahoe Watershed is prohibited.

2. Where disposal of sewage or other waste by reason of property characteristics, topography or other limitations cannot be provided other than within 100 feet of [Lake Tahoe,] the shoreline of Lake Tahoe as described in subsection 1, then the state department of conservation and natural resources shall issue the required permit subject to installation and operation of such sewage works as may be necessary to provide protection to the Lake Tahoe water and the Lake Tahoe Watershed."

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 234

ASSEMBLY BILL NO. 234—ASSEMBLYMEN WEISE,  
BERGEVIN AND GLOVER

JANUARY 31, 1979

Referred to Committee on Government Affairs

SUMMARY—Establishes boundary between Lake Tahoe and adjoining  
lands. (BDR 26-961)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to state lands; establishing the boundary between Lake Tahoe  
and adjoining lands; 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 321.595 is hereby amended to read as follows:  
2 321.595 [1. When any person desires to erect any pier, breakwater  
3 or other structure extending into Lake Tahoe, or remove any material  
4 from the bed of the lake, he shall first obtain a permit to do so from  
5 the division of state lands. The division shall not issue the permit until it  
6 has consulted the Nevada department of fish and game and the division  
7 of environmental protection.  
8 2. The division shall establish by regulation:  
9 (a) A reasonable fee to be paid when an application is made for a  
10 permit.  
11 (b) A schedule of annual rents, according to the size and use of the  
12 pier, to be paid for the use of the underlying land.  
13 3. Any person who engages in any activity for which a permit is  
14 required by this section, without first obtaining the appropriate permit, is  
15 guilty of a misdemeanor.] *The boundary between the bed of Lake Tahoe,*  
16 *owned by the State of Nevada in its sovereign capacity, and adjacent*  
17 *lands owned by others or by the state in any other capacity, is estab-*  
18 *lished as a line whose elevation is 6,221 feet, Lake Tahoe datum.*  
19 SEC. 2. NRS 445.080 is hereby amended to read as follows:  
20 445.080 1. It is unlawful for any person, firm, association or cor-  
21 poration to:  
22 (a) Construct a pier, breakwater or marina in or to alter the shoreline  
23 of Lake Tahoe;

Original bill is 2 pages long.  
Contact the Research Library for  
a copy of the complete bill.