

MOCK-UP

PROPOSED AMENDMENT 6850 TO
SENATE BILL NO. 271

PREPARED FOR SENATOR LEE
MAY 13, 2011

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

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

1 **Section 1.** The State of Nevada hereby withdraws from the Tahoe
2 Regional Planning Compact pursuant to the provisions of subdivision (c)
3 of Article X of the Tahoe Regional Planning Compact.

4 **Sec. 1.5.** NRS 277.200 is hereby amended to read as follows:

5 277.200 The Tahoe Regional Planning Compact is as follows:

6 Tahoe Regional Planning Compact

7
8
9 ARTICLE I. Findings and Declarations of Policy

10
11 (a) It is found and declared that:

12 (1) The waters of Lake Tahoe and other resources of the region are
13 threatened with deterioration or degeneration, which endangers the natural
14 beauty and economic productivity of the region.

15 (2) The public and private interests and investments in the region
16 are substantial.

1 (3) The region exhibits unique environmental and ecological values
2 which are irreplaceable.

3 (4) By virtue of the special conditions and circumstances of the
4 region's natural ecology, developmental pattern, population distribution
5 and human needs, the region is experiencing problems of resource use and
6 deficiencies of environmental control.

7 (5) Increasing urbanization is threatening the ecological values of
8 the region and threatening the public opportunities for use of the public
9 lands.

10 (6) Maintenance of the social and economic health of the region
11 depends on maintaining the significant scenic, recreational, educational,
12 scientific, natural and public health values provided by the Lake Tahoe
13 Basin.

14 (7) There is a public interest in protecting, preserving and
15 enhancing these values for the residents of the region and for visitors to the
16 region.

17 (8) Responsibilities for providing recreational and scientific
18 opportunities, preserving scenic and natural areas, and safeguarding the
19 public who live, work and play in or visit the region are divided among
20 local governments, regional agencies, the states of California and Nevada,
21 and the Federal Government.

22 (9) In recognition of the public investment and multistate and
23 national significance of the recreational values, the Federal Government
24 has an interest in the acquisition of recreational property and the
25 management of resources in the region to preserve environmental and
26 recreational values, and the Federal Government should assist the states in
27 fulfilling their responsibilities.

28 (10) In order to preserve the scenic beauty and outdoor recreational
29 opportunities of the region, there is a need to insure an equilibrium
30 between the region's natural endowment and its man-made environment.

31 (b) In order to enhance the efficiency and governmental effectiveness
32 of the region, it is imperative that there be established a Tahoe Regional
33 Planning Agency with the powers conferred by this compact including the
34 power to establish environmental threshold carrying capacities and to
35 adopt and enforce a regional plan and implementing ordinances which will
36 achieve and maintain such capacities while providing opportunities for
37 orderly growth and development consistent with such capacities.

38 (c) The Tahoe Regional Planning Agency shall interpret and
39 administer its plans, ordinances, rules and regulations in accordance with
40 the provisions of this compact.

41
42 ARTICLE II. Definitions

43
44 As used in this compact:

1 (a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and
2 Washoe counties and Carson City, which for the purposes of this compact
3 shall be deemed a county, lying within the Tahoe Basin in the State of
4 Nevada, and the adjacent parts of the Counties of Placer and El Dorado
5 lying within the Tahoe Basin in the State of California, and that additional
6 and adjacent part of the County of Placer outside of the Tahoe Basin in the
7 State of California which lies southward and eastward of a line starting at
8 the intersection of the basin crestline and the north boundary of Section 1,
9 thence west to the northwest corner of Section 3, thence south to the
10 intersection of the basin crestline and the west boundary of Section 10; all
11 sections referring to Township 15 North, Range 16 East, M.D.B. & M. The
12 region defined and described herein shall be as precisely delineated on
13 official maps of the agency.

14 (b) "Agency" means the Tahoe Regional Planning Agency.

15 (c) "Governing body" means the governing board of the Tahoe
16 Regional Planning Agency.

17 (d) "Regional plan" means the long-term general plan for the
18 development of the region.

19 (e) "Planning commission" means the advisory planning commission
20 appointed pursuant to subdivision (h) of Article III.

21 (f) "Gaming" means to deal, operate, carry on, conduct, maintain or
22 expose for play any banking or percentage game played with cards, dice or
23 any mechanical device or machine for money, property, checks, credit or
24 any representative of value, including, without limiting the generality of
25 the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one,
26 blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw
27 poker or slot machine, but does not include social games played solely for
28 drinks, or cigars or cigarettes served individually, games played in private
29 homes or residences for prizes or games operated by charitable or
30 educational organizations, to the extent excluded by applicable state law.

31 (g) "Restricted gaming license" means a license to operate not more
32 than 15 slot machines on which a quarterly fee is charged pursuant to NRS
33 463.373 and no other games.

34 (h) "Project" means an activity undertaken by any person, including
35 any public agency, if the activity may substantially affect the land, water,
36 air, space or any other natural resources of the region.

37 (i) "Environmental threshold carrying capacity" means an
38 environmental standard necessary to maintain a significant scenic,
39 recreational, educational, scientific or natural value of the region or to
40 maintain public health and safety within the region. Such standards shall
41 include but not be limited to standards for air quality, water quality, soil
42 conservation, vegetation preservation and noise.

43 (j) "Feasible" means capable of being accomplished in a successful
44 manner within a reasonable period of time, taking into account economic,
45 environmental, social and technological factors.

1 (k) "Areas open to public use" means all of the areas within a structure
2 housing gaming under a nonrestricted license except areas devoted to the
3 private use of guests.

4 (l) "Areas devoted to private use of guests" means hotel rooms and
5 hallways to serve hotel room areas, and any parking areas. A hallway
6 serves hotel room areas if more than 50 percent of the areas on each side of
7 the hallway are hotel rooms.

8 (m) "Nonrestricted license" means a gaming license which is not a
9 restricted gaming license.

10

11 ARTICLE III. Organization

12

13 (a) There is created the Tahoe Regional Planning Agency as a separate
14 legal entity.

15 The governing body of the agency shall be constituted as follows:

16 (1) California delegation:

17 (A) One member appointed by each of the County Boards of
18 Supervisors of the Counties of El Dorado and Placer and one member
19 appointed by the City Council of the City of South Lake Tahoe. Any such
20 member may be a member of the county board of supervisors or city
21 council, respectively, and shall reside in the territorial jurisdiction of the
22 governmental body making the appointment.

23 (B) Two members appointed by the Governor of California, one
24 member appointed by the Speaker of the Assembly of California and one
25 member appointed by the Senate Rules Committee of the State of
26 California. The members appointed pursuant to this subparagraph shall not
27 be residents of the region and shall represent the public at large within the
28 State of California.

29 (2) Nevada delegation:

30 (A) One member appointed by each of the boards of county
31 commissioners of Douglas and Washoe counties and one member
32 appointed by the board of supervisors of Carson City. Any such member
33 may be a member of the board of county commissioners or board of
34 supervisors, respectively, and shall reside in the territorial jurisdiction of
35 the governmental body making the appointment.

36 (B) One member appointed by the governor of Nevada, the secretary of
37 state of Nevada or his designee, and the director of the state department of
38 conservation and natural resources of Nevada or his designee. Except for
39 the secretary of state and the director of the state department of
40 conservation and natural resources, the members or designees appointed
41 pursuant to this subparagraph shall not be residents of the region. All
42 members appointed pursuant to this subparagraph shall represent the
43 public at large within the State of Nevada.

44 (C) One member appointed for a 1-year term by the six other members
45 of the Nevada delegation. If at least four members of the Nevada

1 delegation are unable to agree upon the selection of a seventh member
2 within 60 days after the effective date of the amendments to this compact
3 or the occurrence of a vacancy on the governing body for that state the
4 governor of the State of Nevada shall make such an appointment. The
5 member appointed pursuant to this subparagraph may, but is not required
6 to, be a resident of the region within the State of Nevada.

7 (3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A)
8 or (2)(B) fails to make such an appointment within 60 days after the
9 effective date of the amendments to this compact or the occurrence of a
10 vacancy on the governing body, the governor of the state in which the
11 appointing authority is located shall make the appointment. The term of
12 any member so appointed shall be 1 year.

13 (4) The position of any member of the governing body shall be deemed
14 vacant if such a member is absent from three consecutive meetings of the
15 governing body in any calendar year.

16 (5) Each member and employee of the agency shall disclose his
17 economic interests in the region within 10 days after taking his seat on the
18 governing board or being employed by the agency and shall thereafter
19 disclose any further economic interest which he acquires, as soon as
20 feasible after he acquires it. As used in this paragraph, "economic
21 interests" means:

22 (A) Any business entity operating in the region in which the member
23 or employee has a direct or indirect investment worth more than \$1,000;

24 (B) Any real property located in the region in which the member or
25 employee has a direct or indirect interest worth more than \$1,000;

26 (C) Any source of income attributable to activities in the region, other
27 than loans by or deposits with a commercial lending institution in the
28 regular course of business, aggregating \$250 or more in value received by
29 or promised to the member within the preceding 12 months; or

30 (D) Any business entity operating in the region in which the member
31 or employee is a director, officer, partner, trustee, employee or holds any
32 position of management.

33 ➤ No member or employee of the agency shall make, or attempt to
34 influence, an agency decision in which he knows or has reason to know he
35 has an economic interest. Members and employees of the agency must
36 disqualify themselves from making or participating in the making of any
37 decision of the agency when it is reasonably foreseeable that the decision
38 will have a material financial effect, distinguishable from its effect on the
39 public generally, on the economic interests of the member or employee.

40 (b) The members of the agency shall serve without compensation, but
41 the expenses of each member shall be met by the body which he represents
42 in accordance with the law of that body. All other expenses incurred by the
43 governing body in the course of exercising the powers conferred upon it by
44 this compact unless met in some other manner specifically provided, shall
45 be paid by the agency out of its own funds.

1 (c) Except for the secretary of state and director of the state department
2 of conservation and natural resources of Nevada and the member
3 appointed pursuant to subdivision (a)(2)(C), the members of the governing
4 body serve at the pleasure of the appointing authority in each case, but
5 each appointment shall be reviewed no less often than every 4 years.
6 Members may be reappointed.

7 (d) The governing body of the agency shall meet at least monthly. All
8 meetings shall be open to the public to the extent required by the law of the
9 State of California or the State of Nevada, whichever imposes the greater
10 requirement, applicable to local governments at the time such meeting is
11 held. The governing body shall fix a date for its regular monthly meeting
12 in such terms as "the first Monday of each month," and shall not change
13 such date more often than once in any calendar year. Notice of the date so
14 fixed shall be given by publication at least once in a newspaper or
15 combination of newspapers whose circulation is general throughout the
16 region and in each county a portion of whose territory lies within the
17 region. Notice of any special meeting, except an emergency meeting, shall
18 be given by so publishing the date and place and posting an agenda at least
19 5 days prior to the meeting.

20 (e) The position of a member of the governing body shall be
21 considered vacated upon his loss of any of the qualifications required for
22 his appointment and in such event the appointing authority shall appoint a
23 successor.

24 (f) The governing body shall elect from its own members a chairman
25 and vice chairman, whose terms of office shall be 2 years, and who may be
26 reelected. If a vacancy occurs in either office, the governing body may fill
27 such vacancy for the unexpired term.

28 (g) ~~Four~~ **Eight** of the members of the governing body ~~from each~~
29 ~~state~~ constitute a quorum for the transaction of the business of the agency
30 ~~The voting procedures shall be as follows:~~ **and the affirmative vote of**
31 **eight members of the governing body is sufficient for any of the**
32 **following purposes:**

33 (1) For adopting, amending or repealing environmental threshold
34 carrying capacities, the regional plan, and ordinances, rules and
35 regulations, and for granting variances from the ordinances, rules and
36 regulations . ~~the vote of at least four of the members of each state~~
37 ~~agreeing with the vote of at least four members of the other state shall be~~
38 ~~required to take action. If there is no vote of at least four of the members~~
39 ~~from one state agreeing with the vote of at least four of the members of the~~
40 ~~other state on the actions specified in this paragraph, an action of rejection~~
41 ~~shall be deemed to have been taken.~~

42 (2) For approving a project . ~~the affirmative vote of at least five~~
43 ~~members from the state in which the project is located and the affirmative~~
44 ~~vote of at least nine members of the governing body are required. If at least~~
45 ~~five members of the governing body from the state in which the project is~~

1 ~~located and at least nine members of the entire governing body do not vote~~
2 ~~in favor of the project, upon a motion for approval, an action of rejection~~
3 ~~shall be deemed to have been taken.]~~ A decision by the agency to approve
4 a project shall be supported by a statement of findings, adopted by the
5 agency, which indicates that the project complies with the regional plan
6 and with applicable ordinances, rules and regulations of the agency.

7 (3) For routine business and for directing the agency's staff on
8 litigation and enforcement actions ~~], at least eight members of the~~
9 ~~governing body must agree to take action. If at least eight votes in favor of~~
10 ~~such action are not cast, an action of rejection shall be deemed to have~~
11 ~~been taken.]~~

12 ↪ Whenever under the provisions of this compact or any ordinance, rule,
13 regulation or policy adopted pursuant thereto, the agency is required to
14 review or approve any project, public or private, the agency shall take final
15 action by vote, whether to approve, to require modification or to reject
16 such project, within 180 days after the application for such project is
17 accepted as complete by the agency in compliance with the agency's rules
18 and regulations governing such delivery unless the applicant has agreed to
19 an extension of this time limit. If a final action by vote does not take place
20 within 180 days, the applicant may bring an action in a court of competent
21 jurisdiction to compel a vote unless he has agreed to an extension. This
22 provision does not limit the right of any person to obtain judicial review of
23 agency action under subdivision (h) of Article VI. The vote of each
24 member of the governing body shall be individually recorded. The
25 governing body shall adopt its own rules, regulations and procedures.

26 (h) An advisory planning commission shall be appointed by the
27 agency. The commission shall include: the chief planning officers of
28 Placer County, El Dorado County, and the City of South Lake Tahoe in
29 California and of Douglas County, Washoe County and Carson City in
30 Nevada, the executive officer of the Lahontan Regional Water Quality
31 Control Board of the State of California, the executive officer of the Air
32 Resources Board of the State of California, the director of the state
33 department of conservation and natural resources of the State of Nevada,
34 the administrator of the division of environmental protection in the state
35 department of conservation and natural resources of the State of Nevada,
36 the administrator of the Lake Tahoe Management Unit of the United States
37 Forest Service, and at least four lay members with an equal number from
38 each state, at least half of whom shall be residents of the region. Any
39 official member may designate an alternate.

40 The term of office of each lay member of the advisory planning
41 commission shall be 2 years. Members may be reappointed.

42 The position of each member of the advisory planning commission
43 shall be considered vacated upon loss of any of the qualifications required
44 for appointment, and in such an event the appointing authority shall
45 appoint a successor.

1 The advisory planning commission shall elect from its own members a
2 chairman and a vice chairman, whose terms of office shall be 2 years and
3 who may be reelected. If a vacancy occurs in either office, the advisory
4 planning commission shall fill such vacancy for the unexpired term.

5 A majority of the members of the advisory planning commission
6 constitutes a quorum for the transaction of the business of the commission.
7 A majority vote of the quorum present shall be required to take action with
8 respect to any matter.

9 (i) The agency shall establish and maintain an office within the region,
10 and for this purpose the agency may rent or own property and equipment.
11 Every plan, ordinance and other record of the agency which is of such
12 nature as to constitute a public record under the law of either the State of
13 California or the State of Nevada shall be open to inspection and copying
14 during regular office hours.

15 (j) Each authority charged under this compact or by the law of either
16 state with the duty of appointing a member of the governing body of the
17 agency shall by certified copy of its resolution or other action notify the
18 Secretary of State of its own state of the action taken.

19

20 ARTICLE IV. Personnel

21

22 (a) The governing body shall determine the qualification of, and it shall
23 appoint and fix the salary of, the executive officer of the agency, and shall
24 employ such other staff and legal counsel as may be necessary to execute
25 the powers and functions provided for under this compact or in accordance
26 with any intergovernmental contracts or agreements the agency may be
27 responsible for administering.

28 (b) Agency personnel standards and regulations shall conform insofar
29 as possible to the regulations and procedures of the civil service of the
30 State of California or the State of Nevada, as may be determined by the
31 governing body of the agency; and shall be regional and bistate in
32 application and effect; provided that the governing body may, for
33 administrative convenience and at its discretion, assign the administration
34 of designated personnel arrangements to an agency of either state, and
35 provided that administratively convenient adjustments be made in the
36 standards and regulations governing personnel assigned under
37 intergovernmental agreements.

38 (c) The agency may establish and maintain or participate in such
39 additional programs of employee benefits as may be appropriate to afford
40 employees of the agency terms and conditions of employment similar to
41 those enjoyed by employees of California and Nevada generally.

42

43 ARTICLE V. Planning

44

1 (a) In preparing each of the plans required by this article and each
2 amendment thereto, if any, subsequent to its adoption, the planning
3 commission after due notice shall hold at least one public hearing which
4 may be continued from time to time, and shall review the testimony and
5 any written recommendations presented at such hearing before
6 recommending the plan or amendment. The notice required by this
7 subdivision shall be given at least 20 days prior to the public hearing by
8 publication at least once in a newspaper or combination of newspapers
9 whose circulation is general throughout the region and in each county a
10 portion of whose territory lies within the region.

11 The planning commission shall then recommend such plan or
12 amendment to the governing body for adoption by ordinance. The
13 governing body may adopt, modify or reject the proposed plan or
14 amendment, or may initiate and adopt a plan or amendment without
15 referring it to the planning commission. If the governing body initiates or
16 substantially modifies a plan or amendment, it shall hold at least one
17 public hearing thereon after due notice as required in this subdivision.

18 If a request is made for the amendment of the regional plan by:

19 (1) A political subdivision a part of whose territory would be affected
20 by such amendment; or

21 (2) The owner or lessee of real property which would be affected by
22 such amendment,

23 the governing body shall complete its action on such amendment within
24 180 days after such request is accepted as complete according to standards
25 which must be prescribed by ordinance of the agency.

26 (b) The agency shall develop, in cooperation with the states of
27 California and Nevada, environmental threshold carrying capacities for the
28 region. The agency should request the President's Council on
29 Environmental Quality, the United States Forest Service and other
30 appropriate agencies to assist in developing such environmental threshold
31 carrying capacities. Within 18 months after the effective date of the
32 amendments to this compact, the agency shall adopt environmental
33 threshold carrying capacities for the region.

34 (c) Within 1 year after the adoption of the environmental threshold
35 carrying capacities for the region, the agency shall amend the regional plan
36 so that, at a minimum, the plan and all of its elements, as implemented
37 through agency ordinances, rules and regulations, achieves and maintains
38 the adopted environmental threshold carrying capacities. Each element of
39 the plan shall contain implementation provisions and time schedules for
40 such implementation by ordinance. The planning commission and
41 governing body shall continuously review and maintain the regional plan

42 *and, in so doing, shall ensure that the regional plan reflects changing*
43 *economic conditions and the economic effect of regulation on commerce.*

44 The regional plan shall consist of a diagram, or diagrams, and text, or texts
45 setting forth the projects and proposals for implementation of the regional

1 plan, a description of the needs and goals of the region and a statement of
2 the policies, standards and elements of the regional plan.

3 The regional plan shall be a single enforceable plan and includes all of
4 the following correlated elements:

5 (1) A land-use plan for the integrated arrangement and general location
6 and extent of, and the criteria and standards for, the uses of land, water, air,
7 space and other natural resources within the region, including but not
8 limited to an indication or allocation of maximum population densities and
9 permitted uses.

10 (2) A transportation plan for the integrated development of a regional
11 system of transportation, including but not limited to parkways, highways,
12 transportation facilities, transit routes, waterways, navigation facilities,
13 public transportation facilities, bicycle facilities, and appurtenant terminals
14 and facilities for the movement of people and goods within the region. The
15 goal of transportation planning shall be:

16 (A) To reduce dependency on the automobile by making more
17 effective use of existing transportation modes and of public transit to move
18 people and goods within the region; and

19 (B) To reduce to the extent feasible air pollution which is caused by
20 motor vehicles.

21 ➤ Where increases in capacity are required, the agency shall give
22 preference to providing such capacity through public transportation and
23 public programs and projects related to transportation. The agency shall
24 review and consider all existing transportation plans in preparing its
25 regional transportation plan pursuant to this paragraph.

26 The plan shall provide for an appropriate transit system for the region.

27 The plan shall give consideration to:

28 (A) Completion of the Loop Road in the states of Nevada and
29 California;

30 (B) Utilization of a light rail mass transit system in the South Shore
31 area; and

32 (C) Utilization of a transit terminal in the Kingsbury Grade area.

33 ➤ Until the regional plan is revised, or a new transportation plan is
34 adopted in accordance with this paragraph, the agency has no effective
35 transportation plan.

36 (3) A conservation plan for the preservation, development, utilization,
37 and management of the scenic and other natural resources within the basin,
38 including but not limited to, soils, shoreline and submerged lands, scenic
39 corridors along transportation routes, open spaces, recreational and
40 historical facilities.

41 (4) A recreation plan for the development, utilization, and management
42 of the recreational resources of the region, including but not limited to,
43 wilderness and forested lands, parks and parkways, riding and hiking trails,
44 beaches and playgrounds, marinas, areas for skiing and other recreational
45 facilities.

1 (5) A public services and facilities plan for the general location, scale
2 and provision of public services and facilities, which, by the nature of their
3 function, size, extent and other characteristics are necessary or appropriate
4 for inclusion in the regional plan.

5 In formulating and maintaining the regional plan, the planning
6 commission and governing body shall take account of and shall seek to
7 harmonize the needs of the region as a whole, the plans of the counties and
8 cities within the region, the plans and planning activities of the state,
9 federal and other public agencies and nongovernmental agencies and
10 organizations which affect or are concerned with planning and
11 development within the region.

12 (d) The regional plan shall provide for attaining and maintaining
13 federal, state, or local air and water quality standards, whichever are
14 strictest, in the respective portions of the region for which the standards are
15 applicable.

16 The agency may, however, adopt air or water quality standards or
17 control measures more stringent than the applicable state implementation
18 plan or the applicable federal, state, or local standards for the region, if it
19 finds that such additional standards or control measures are necessary to
20 achieve the purposes of this compact. Each element of the regional plan,
21 where applicable, shall, by ordinance, identify the means and time
22 schedule by which air and water quality standards will be attained.

23 (e) Except for the Regional Transportation Plan of the California
24 Tahoe Regional Planning Agency, the regional plan, ordinances, rules and
25 regulations adopted by the California Tahoe Regional Planning Agency in
26 effect on July 1, 1980, shall be the regional plan, ordinances, rules and
27 regulations of the Tahoe Regional Planning Agency for that portion of the
28 Tahoe region located in the State of California. Such plan, ordinance, rule
29 or regulation may be amended or repealed by the governing body of the
30 agency. The plans, ordinances, rules and regulations of the Tahoe Regional
31 Planning Agency that do not conflict with, or are not addressed by, the
32 California Tahoe Regional Planning Agency's plans, ordinances, rules and
33 regulations referred to in this subdivision shall continue to be applicable
34 unless amended or repealed by the governing body of the agency. No
35 provision of the regional plan, ordinances, rules and regulations of the
36 California Tahoe Regional Planning Agency referred to in this subdivision
37 shall apply to that portion of the region within the State of Nevada, unless
38 such provision is adopted for the Nevada portion of the region by the
39 governing body of the agency.

40 (f) The regional plan, ordinances, rules and regulations of the Tahoe
41 Regional Planning Agency apply to that portion of the region within the
42 State of Nevada.

43 (g) The agency shall adopt ordinances prescribing specific written
44 findings that the agency must make prior to approving any project in the
45 region. These findings shall relate to environmental protection and shall

1 insure that the project under review will not adversely affect
2 implementation of the regional plan and will not cause the adopted
3 environmental threshold carrying capacities of the region to be exceeded.

4 (h) The agency shall maintain the data, maps and other information
5 developed in the course of formulating and administering the regional
6 plan, in a form suitable to assure a consistent view of developmental trends
7 and other relevant information for the availability of and use by other
8 agencies of government and by private organizations and individuals
9 concerned.

10 (i) Where necessary for the realization of the regional plan, the agency
11 may engage in collaborative planning with local governmental
12 jurisdictions located outside the region, but contiguous to its boundaries. In
13 formulating and implementing the regional plan, the agency shall seek the
14 cooperation and consider the recommendations of counties and cities and
15 other agencies of local government, of state and federal agencies, of
16 educational institutions and research organizations, whether public or
17 private, and of civic groups and private persons.

18
19

20 ARTICLE VI. Agency's Powers

21

22 (a) The governing body shall adopt all necessary ordinances, rules, and
23 regulations to effectuate the adopted regional plan. Except as otherwise
24 provided in this compact, every such ordinance, rule or regulation shall
25 establish a minimum standard applicable throughout the region. Any
26 political subdivision or public agency may adopt and enforce an equal or
27 higher requirement applicable to the same subject of regulation in its
28 territory. The regulations of the agency shall contain standards including
29 but not limited to the following: water purity and clarity; subdivision;
30 zoning; tree removal; solid waste disposal; sewage disposal; land fills,
31 excavations, cuts and grading; piers, harbors, breakwaters or channels and
32 other shoreline developments; waste disposal in shoreline areas; waste
33 disposal from boats; mobile-home parks; house relocation; outdoor
34 advertising; floodplain protection; soil and sedimentation control; air
35 pollution; and watershed protection. Whenever possible without
36 diminishing the effectiveness of the regional plan, the ordinances, rules,
37 regulations and policies shall be confined to matters which are general and
38 regional in application, leaving to the jurisdiction of the respective states,
39 counties and cities the enactment of specific and local ordinances, rules,
40 regulations and policies which conform to the regional plan.

41 The agency shall prescribe by ordinance those activities which it has
42 determined will not have substantial effect on the land, water, air, space or
43 any other natural resources in the region and therefore will be exempt from
44 its review and approval.

1 Every ordinance adopted by the agency shall be published at least once
2 by title in a newspaper or combination of newspapers whose circulation is
3 general throughout the region. Except an ordinance adopting or amending
4 the regional plan, no ordinance shall become effective until 60 days after
5 its adoption. Immediately after its adoption, a copy of each ordinance shall
6 be transmitted to the governing body of each political subdivision having
7 territory within the region.

8 (b) No project other than those to be reviewed and approved under the
9 special provisions of subdivisions (d), (e), (f) and (g) may be developed in
10 the region without obtaining the review and approval of the agency and no
11 project may be approved unless it is found to comply with the regional
12 plan and with the ordinances, rules and regulations enacted pursuant to
13 subdivision (a) to effectuate that plan.

14 The agency may approve a project in the region only after making the
15 written findings required by this subdivision or subdivision (g) of Article
16 V. Such findings shall be based on substantial evidence in the record.

17 Before adoption by the agency of the ordinances required in
18 subdivision (g) of Article V, the agency may approve a project in the
19 region only after making written findings on the basis of substantial
20 evidence in the record that the project is consistent with the regional plan
21 then in effect and with applicable plans, ordinances, regulations, and
22 standards of federal and state agencies relating to the protection,
23 maintenance and enhancement of environmental quality in the region.

24 (c) The legislatures of the states of California and Nevada find that in
25 order to make effective the regional plan as revised by the agency, it is
26 necessary to halt temporarily works of development in the region which
27 might otherwise absorb the entire capability of the region for further
28 development or direct it out of harmony with the ultimate plan. Subject to
29 the limitation provided in this subdivision, from the effective date of the
30 amendments to this compact until the regional plan is amended pursuant to
31 subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

32 (1) Except as otherwise provided in this paragraph, no new
33 subdivision, planned unit development, or condominium project may be
34 approved unless a complete tentative map or plan has been approved
35 before the effective date of the amendments to this compact by all agencies
36 having jurisdiction. The subdivision of land owned by a general
37 improvement district, which existed and owned the land before the
38 effective date of the amendments to this compact, may be approved if
39 subdivision of the land is necessary to avoid insolvency of the district.

40 (2) Except as provided in paragraph (3), no apartment building may be
41 erected unless the required permits for such building have been secured
42 from all agencies having jurisdiction, prior to the effective date of the
43 amendments to this compact.

44 (3) During each of the calendar years 1980, 1981 and 1982, no city or
45 county may issue building permits which authorize the construction of a

1 greater number of new residential units within the region than were
2 authorized within the region by building permits issued by that city or
3 county during the calendar year 1978. For the period of January through
4 April, 1983, building permits authorizing the construction of no more than
5 one-third of that number may be issued by each such city or county. For
6 purposes of this paragraph a "residential unit" means either a single family
7 residence or an individual residential unit within a larger building, such as
8 an apartment building, a duplex or a condominium.

9 The legislatures find the respective numbers of residential units
10 authorized within the region during the calendar year 1978 to be as
11 follows:

- | | | | |
|----|----|--|-----|
| 12 | 1. | City of South Lake Tahoe and El Dorado County (combined) | |
| 13 | | | 252 |
| 14 | 2. | Placer County | 278 |
| 15 | 3. | Carson City | -0- |
| 16 | 4. | Douglas County | 339 |
| 17 | 5. | Washoe County | 739 |

18 (4) During each of the calendar years 1980, 1981 and 1982, no city or
19 county may issue building permits which authorize construction of a
20 greater square footage of new commercial buildings within the region than
21 were authorized within the region by building permits for commercial
22 purposes issued by that city or county during the calendar year 1978. For
23 the period of January through April, 1983, building permits authorizing the
24 construction of no more than one-third the amount of that square footage
25 may be issued by each such city or county.

26 The legislatures find the respective square footages of commercial
27 buildings authorized within the region during calendar year 1978 to be as
28 follows:

- | | | | |
|----|----|--|--------|
| 29 | 1. | City of South Lake Tahoe and El Dorado County (combined) | |
| 30 | | | 64,324 |
| 31 | 2. | Placer County | 23,000 |
| 32 | 3. | Carson City | -0- |
| 33 | 4. | Douglas County | 57,354 |
| 34 | 5. | Washoe County | 50,600 |

35 (5) No structure may be erected to house gaming under a nonrestricted
36 license.

37 (6) No facility for the treatment of sewage may be constructed or
38 enlarged except:

39 (A) To comply, as ordered by the appropriate state agency for the
40 control of water pollution, with existing limitations of effluent under the
41 Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law
42 for control of water pollution;

43 (B) To accommodate development which is not prohibited or limited
44 by this subdivision; or

1 (C) In the case of Douglas County Sewer District # 1, to modify or
2 otherwise alter sewage treatment facilities existing on the effective date of
3 the amendments to this compact so that such facilities will be able to treat
4 the total volume of effluent for which they were originally designed, which
5 is 3.0 million gallons per day. Such modification or alteration is not a
6 "project"; is not subject to the requirements of Article VII; and does not
7 require a permit from the agency. Before commencing such modification
8 or alteration, however, the district shall submit to the agency its report
9 identifying any significant soil erosion problems which may be caused by
10 such modifications or alterations and the measures which the district
11 proposes to take to mitigate or avoid such problems.

12 The moratorium imposed by this subdivision does not apply to work
13 done pursuant to a right vested before the effective date of the amendments
14 to this compact. Notwithstanding the expiration date of the moratorium
15 imposed by this subdivision, no new highway may be built or existing
16 highway widened to accommodate additional continuous lanes for
17 automobiles until the regional transportation plan is revised and adopted.

18 The moratorium imposed by this subdivision does not apply to the
19 construction of any parking garage which has been approved by the agency
20 prior to May 4, 1979, whether that approval was affirmative or by default.
21 The provisions of this paragraph are not an expression of legislative intent
22 that any such parking garage, the approval of which is the subject of
23 litigation which was pending on the effective date of the amendments to
24 this compact, should or should not be constructed. The provisions of this
25 paragraph are intended solely to permit construction of such a parking
26 garage if a judgment sustaining the agency's approval to construct that
27 parking garage has become final and no appeal is pending or may lawfully
28 be taken to a higher court.

29 (d) Subject to the final order of any court of competent jurisdiction
30 entered in litigation contesting the validity of an approval by the Tahoe
31 Regional Planning Agency, whether that approval was affirmative or by
32 default, if that litigation was pending on May 4, 1979, the agency and the
33 states of California and Nevada shall recognize as a permitted and
34 conforming use:

35 (1) Every structure housing gaming under a nonrestricted license
36 which existed as a licensed gaming establishment on May 4, 1979, or
37 whose construction was approved by the Tahoe Regional Planning Agency
38 affirmatively or deemed approved before that date. The construction or use
39 of any structure to house gaming under a nonrestricted license not so
40 existing or approved, or the enlargement in cubic volume of any such
41 existing or approved structure is prohibited.

42 (2) Every other nonrestricted gaming establishment whose use was
43 seasonal and whose license was issued before May 4, 1979, for the same
44 season and for the number and type of games and slot machines on which
45 taxes or fees were paid in the calendar year 1978.

1 (3) Gaming conducted pursuant to a restricted gaming license issued
2 before May 4, 1979, to the extent permitted by that license on that date.
3 ↪ The area within any structure housing gaming under a nonrestricted
4 license which may be open to public use (as distinct from that devoted to
5 the private use of guests and exclusive of any parking area) is limited to
6 the area existing or approved for public use on May 4, 1979. Within these
7 limits, any external modification of the structure which requires a permit
8 from a local government also requires approval from the agency. The
9 agency shall not permit restaurants, convention facilities, showrooms or
10 other public areas to be constructed elsewhere in the region outside the
11 structure in order to replace areas existing or approved for public use on
12 May 4, 1979.

13 (e) Any structure housing licensed gaming may be rebuilt or replaced
14 to a size not to exceed the cubic volume, height and land coverage existing
15 or approved on May 4, 1979, without the review or approval of the agency
16 or any planning or regulatory authority of the State of Nevada whose
17 review or approval would be required for a new structure.

18 (f) The following provisions apply to any internal or external
19 modification, remodeling, change in use, or repair of a structure housing
20 gaming under a nonrestricted license which is not prohibited by Article VI
21 (d):

22 (1) The agency's review of an external modification of the structure
23 which requires a permit from a local government is limited to determining
24 whether the external modification will do any of the following:

25 (A) Enlarge the cubic volume of the structure;

26 (B) Increase the total square footage of area open to or approved for
27 public use on May 4, 1979;

28 (C) Convert an area devoted to the private use of guests to an area open
29 to public use;

30 (D) Increase the public area open to public use which is used for
31 gaming beyond the limits contained in paragraph (3); and

32 (E) Conflict with or be subject to the provisions of any of the agency's
33 ordinances that are generally applicable throughout the region.

34 ↪ The agency shall make this determination within 60 days after the
35 proposal is delivered to the agency in compliance with the agency's rules
36 or regulations governing such delivery unless the applicant has agreed to
37 an extension of this time limit. If an external modification is determined to
38 have any of the effects enumerated in subparagraphs (A) through (C), it is
39 prohibited. If an external modification is determined to have any of the
40 effects enumerated in subparagraph (D) or (E), it is subject to the
41 applicable provisions of this compact. If an external modification is
42 determined to have no such effect, it is not subject to the provisions of this
43 compact.

44 (2) Except as provided in paragraph (3), internal modification,
45 remodeling, change in use or repair of a structure housing gaming under a

1 nonrestricted license is not a project and does not require the review or
2 approval of the agency.

3 (3) Internal modification, remodeling, change in use or repair of areas
4 open to public use within a structure housing gaming under a nonrestricted
5 license which alone or in combination with any other such modification,
6 remodeling, change in use or repair will increase the total portion of those
7 areas which is actually used for gaming by more than the product of the
8 total base area, as defined below, in square feet existing on or approved
9 before August 4, 1980, multiplied by 15 percent constitutes a project and is
10 subject to all of the provisions of this compact relating to projects. For
11 purposes of this paragraph and the determination required by Article VI
12 (g), base area means all of the area within a structure housing gaming
13 under a nonrestricted license which may be open to public use, whether or
14 not gaming is actually conducted or carried on in that area, except retail
15 stores, convention centers and meeting rooms, administrative offices,
16 kitchens, maintenance and storage areas, rest rooms, engineering and
17 mechanical rooms, accounting rooms and counting rooms.

18 (g) In order to administer and enforce the provisions of paragraphs (d),
19 (e) and (f) the State of Nevada, through its appropriate planning or
20 regulatory agency, shall require the owner or licensee of a structure
21 housing gaming under a nonrestricted license to provide:

22 (1) Documents containing sufficient information for the Nevada
23 agency to establish the following relative to the structure:

24 (A) The location of its external walls;

25 (B) Its total cubic volume;

26 (C) Within its external walls, the area in square feet open or approved
27 for public use and the area in square feet devoted to or approved for the
28 private use of guests on May 4, 1979;

29 (D) The amount of surface area of land under the structure; and

30 (E) The base area as defined in paragraph (f)(3) in square feet existing
31 on or approved before August 4, 1980.

32 (2) An informational report whenever any internal modification,
33 remodeling, change in use, or repair will increase the total portion of the
34 areas open to public use which is used for gaming.

35 The Nevada agency shall transmit this information to the Tahoe
36 Regional Planning Agency.

37 (h) Gaming conducted pursuant to a restricted gaming license is
38 exempt from review by the agency if it is incidental to the primary use of
39 the premises.

40 (i) The provisions of subdivisions (d) and (e) are intended only to limit
41 gaming and related activities as conducted within a gaming establishment,
42 or construction designed to permit the enlargement of such activities, and
43 not to limit any other use of property zoned for commercial use or the
44 accommodation of tourists, as approved by the agency.

1 (j) Legal actions arising out of or alleging a violation of the provisions
2 of this compact, of the regional plan or of an ordinance or regulation of the
3 agency or of a permit or a condition of a permit issued by the agency are
4 governed by the following provisions:

5 (1) This subdivision applies to:

6 (A) Actions arising out of activities directly undertaken by the agency.

7 (B) Actions arising out of the issuance to a person of a lease, permit,
8 license or other entitlement for use by the agency.

9 (C) Actions arising out of any other act or failure to act by any person
10 or public agency.

11 ↪ Such legal actions may be filed and the provisions of this subdivision
12 apply equally in the appropriate courts of California and Nevada and of the
13 United States.

14 (2) Venue lies:

15 (A) If a civil or criminal action challenges an activity by the agency or
16 any person which is undertaken or to be undertaken upon a parcel of real
17 property, in the state or federal judicial district where the real property is
18 situated.

19 (B) If an action challenges an activity which does not involve a
20 specific parcel of land (such as an action challenging an ordinance of the
21 agency), in any state or federal court having jurisdiction within the region.

22 (3) Any aggrieved person may file an action in an appropriate court of
23 the State of California or Nevada or of the United States alleging
24 noncompliance with the provisions of this compact or with an ordinance or
25 regulation of the agency. In the case of governmental agencies, "aggrieved
26 person" means the Tahoe Regional Planning Agency or any state, federal
27 or local agency. In the case of any person other than a governmental
28 agency who challenges an action of the Tahoe Regional Planning Agency,
29 "aggrieved person" means any person who has appeared, either in person,
30 through an authorized representative, or in writing, before the agency at an
31 appropriate administrative hearing to register objection to the action which
32 is being challenged, or who had good cause for not making such an
33 appearance.

34 (4) A legal action arising out of the adoption or amendment of the
35 regional plan or of any ordinance or regulation of the agency, or out of the
36 granting or denial of any permit, shall be commenced within 60 days after
37 final action by the agency. All other legal actions shall be commenced
38 within 65 days after discovery of the cause of action.

39 (5) In any legal action filed pursuant to this subdivision which
40 challenges an adjudicatory act or decision of the agency to approve or
41 disapprove a project, the scope of judicial inquiry shall extend only to
42 whether there was prejudicial abuse of discretion. Prejudicial abuse of
43 discretion is established if the agency has not proceeded in a manner
44 required by law or if the act or decision of the agency was not supported
45 by substantial evidence in light of the whole record. In making such a

1 determination the court shall not exercise its independent judgment on
2 evidence but shall only determine whether the act or decision was
3 supported by substantial evidence in light of the whole record. In any legal
4 action filed pursuant to this subdivision which challenges a legislative act
5 or decision of the agency (such as the adoption of the regional plan and the
6 enactment of implementing ordinances), the scope of the judicial inquiry
7 shall extend only to the questions of whether the act or decision has been
8 arbitrary, capricious or lacking substantial evidentiary support or whether
9 the agency has failed to proceed in a manner required by law. In addition,
10 there is a rebuttable presumption that a regional plan adopted, amended,
11 formulated or maintained pursuant to this compact is in conformance
12 with the requirements applicable to this compact, and a party
13 challenging the regional plan has the burden of showing that it is not in
14 conformance with the requirements applicable to this compact.

15 (6) The provisions of this subdivision do not apply to any legal
16 proceeding pending on the date when this subdivision becomes effective.
17 Any such legal proceeding shall be conducted and concluded under the
18 provisions of law which were applicable prior to the effective date of this
19 subdivision.

20 (7) The security required for the issuance of a temporary restraining
21 order or preliminary injunction based upon an alleged violation of this
22 compact or any ordinance, plan, rule or regulation adopted pursuant thereto
23 is governed by the rule or statute applicable to the court in which the action
24 is brought, unless the action is brought by a public agency or political
25 subdivision to enforce its own rules, regulations and ordinances in which
26 case no security shall be required.

27 (k) The agency shall monitor activities in the region and may bring
28 enforcement actions in the region to ensure compliance with the regional
29 plan and adopted ordinances, rules, regulations and policies. If it is found
30 that the regional plan, or ordinances, rules, regulations and policies are not
31 being enforced by a local jurisdiction, the agency may bring action in a
32 court of competent jurisdiction to ensure compliance.

33 (l) Any person who violates any provision of this compact or of any
34 ordinance or regulation of the agency or of any condition of approval
35 imposed by the agency is subject to a civil penalty not to exceed \$5,000.
36 Any such person is subject to an additional civil penalty not to exceed
37 \$5,000 per day, for each day on which such a violation persists. In
38 imposing the penalties authorized by this subdivision, the court shall
39 consider the nature of the violation and shall impose a greater penalty if it
40 was willful or resulted from gross negligence than if it resulted from
41 inadvertence or simple negligence.

42 (m) The agency is hereby empowered to initiate, negotiate and
43 participate in contracts and agreements among the local governmental
44 authorities of the region, or any other intergovernmental contracts or
45 agreements authorized by state or federal law.

1 (n) Each intergovernmental contract or agreement shall provide for its
2 own funding and staffing, but this shall not preclude financial
3 contributions from the local authorities concerned or from supplementary
4 sources.

5 (o) Every record of the agency, whether public or not, shall be open for
6 examination to the Legislature and Controller of the State of California and
7 the legislative auditor of the State of Nevada.

8 (p) Approval by the agency of any project expires 3 years after the date
9 of final action by the agency or the effective date of the amendments to
10 this compact, whichever is later, unless construction is begun within that
11 time and diligently pursued thereafter, or the use or activity has
12 commenced. In computing the 3-year period any period of time during
13 which the project is the subject of a legal action which delays or renders
14 impossible the diligent pursuit of that project shall not be counted. Any
15 license, permit or certificate issued by the agency which has an expiration
16 date shall be extended by that period of time during which the project is
17 the subject of such legal action as provided in this subdivision.

18 (q) The governing body shall maintain a current list of real property
19 known to be available for exchange with the United States or with other
20 owners of real property in order to facilitate exchanges of real property by
21 owners of real property in the region.

22

23 ARTICLE VII. Environmental Impact Statements

24

25 (a) The Tahoe Regional Planning Agency when acting upon matters
26 that have a significant effect on the environment shall:

27 (1) Utilize a systematic, interdisciplinary approach which will insure
28 the integrated use of the natural and social sciences and the environmental
29 design arts in planning and in decision making which may have an impact
30 on man's environment;

31 (2) Prepare and consider a detailed environmental impact statement
32 before deciding to approve or carry out any project. The detailed
33 environmental impact statement shall include the following:

34 (A) The significant environmental impacts of the proposed project;

35 (B) Any significant adverse environmental effects which cannot be
36 avoided should the project be implemented;

37 (C) Alternatives to the proposed project;

38 (D) Mitigation measures which must be implemented to assure
39 meeting standards of the region;

40 (E) The relationship between local short-term uses of man's
41 environment and the maintenance and enhancement of long-term
42 productivity;

43 (F) Any significant irreversible and irretrievable commitments of
44 resources which would be involved in the proposed project should it be
45 implemented; and

- 1 (G) The growth-inducing impact of the proposed project;
- 2 (3) Study, develop and describe appropriate alternatives to
3 recommended courses of action for any project which involves unresolved
4 conflicts concerning alternative uses of available resources;
- 5 (4) Make available to states, counties, municipalities, institutions and
6 individuals, advice and information useful in restoring, maintaining and
7 enhancing the quality of the region's environment; and
- 8 (5) Initiate and utilize ecological information in the planning and
9 development of resource-oriented projects.
- 10 (b) Prior to completing an environmental impact statement, the agency
11 shall consult with and obtain the comments of any federal, state or local
12 agency which has jurisdiction by law or special expertise with respect to
13 any environmental impact involved. Copies of such statement and the
14 comments and views of the appropriate federal, state and local agencies
15 which are authorized to develop and enforce environmental standards shall
16 be made available to the public and shall accompany the project through
17 the review processes. The public shall be consulted during the
18 environmental impact statement process and views shall be solicited
19 during a public comment period not to be less than 60 days.
- 20 (c) Any environmental impact statement required pursuant to this
21 article need not repeat in its entirety any information or data which is
22 relevant to such a statement and is a matter of public record or is generally
23 available to the public, such as information contained in an environmental
24 impact report prepared pursuant to the California Environmental Quality
25 Act or a federal environmental impact statement prepared pursuant to the
26 National Environmental Policy Act of 1969. However, such information or
27 data shall be briefly described in the environmental impact statement and
28 its relationship to the environmental impact statement shall be indicated.
- 29 In addition, any person may submit information relative to a proposed
30 project which may be included, in whole or in part, in any environmental
31 impact statement required by this article.
- 32 (d) In addition to the written findings specified by agency ordinance to
33 implement the regional plan, the agency shall make either of the following
34 written findings before approving a project for which an environmental
35 impact statement was prepared:
- 36 (1) Changes or alterations have been required in or incorporated into
37 such project which avoid or reduce the significant adverse environmental
38 effects to a less than significant level; or
- 39 (2) Specific considerations, such as economic, social or technical,
40 make infeasible the mitigation measures or project alternatives discussed
41 in the environmental impact statement on the project.
- 42 ↪ A separate written finding shall be made for each significant effect
43 identified in the environmental impact statement on the project. All written
44 findings must be supported by substantial evidence in the record.

1 (e) The agency may charge and collect a reasonable fee from any
2 person proposing a project subject to the provisions of this compact in
3 order to recover the estimated costs incurred by the agency in preparing an
4 environmental impact statement under this article.

5 (f) The agency shall adopt by ordinance a list of classes of projects
6 which the agency has determined will not have a significant effect on the
7 environment and therefore will be exempt from the requirement for the
8 preparation of an environmental impact statement under this article. Prior
9 to adopting the list, the agency shall make a written finding supported by
10 substantial evidence in the record that each class of projects will not have a
11 significant effect on the environment.

12
13 ARTICLE VIII. Finances
14

15 (a) On or before September 30 of each calendar year the agency shall
16 establish the amount of money necessary to support its activities for the
17 next succeeding fiscal year commencing July 1 of the following year. The
18 agency shall apportion \$75,000 of this amount among the counties within
19 the region on the same ratio to the total sum required as the full cash
20 valuation of taxable property within the region in each county bears to the
21 total full cash valuation of taxable property within the region. In addition,
22 each county within the region in California shall pay \$18,750 to the agency
23 and each county within the region in Nevada, including Carson City, shall
24 pay \$12,500 to the agency, from any funds available therefor. The State of
25 California and the State of Nevada may pay to the agency by July 1 of
26 each year any additional sums necessary to support the operations of the
27 agency pursuant to this compact. If additional funds are required, the
28 agency shall make a request for the funds to the states of California and
29 Nevada. Requests for state funds must be apportioned two-thirds from
30 California and one-third from Nevada. Money appropriated shall be paid
31 within 30 days.

32 (b) The agency may fix and collect reasonable fees for any services
33 rendered by it.

34 (c) The agency shall submit an itemized budget to the states for review
35 with any request for state funds, shall be strictly accountable to any county
36 in the region and the states for all funds paid by them to the agency and
37 shall be strictly accountable to all participating bodies for all receipts and
38 disbursement.

39 (d) The agency is authorized to receive gifts, donations, subventions,
40 grants, and other financial aids and funds; but the agency may not own
41 land except as provided in subdivision (i) of Article III.

42 (e) The agency shall not obligate itself beyond the moneys due under
43 this article for its support from the several counties and the states for the
44 current fiscal year, plus any moneys on hand or irrevocably pledged to its

1 support from other sources. No obligation contracted by the agency shall
2 bind either of the party states or any political subdivision thereof.

3
4 ARTICLE IX. Transportation District

5
6 (a) The Tahoe transportation district is hereby established as a special
7 purpose district. The boundaries of the district are coterminous with those
8 of the region.

9 (b) The business of the district shall be managed by a board of
10 directors consisting of:

11 (1) One member of the county board of supervisors of each of the
12 counties of El Dorado and Placer;

13 (2) One member of the city council of the City of South Lake Tahoe;

14 (3) One member each of the board of county commissioners of
15 Douglas County and of Washoe County;

16 (4) One member of the board of supervisors of Carson City;

17 (5) The director of the California Department of Transportation; and

18 (6) The director of the department of transportation of the State of
19 Nevada.

20 ➔ Any director may designate an alternate.

21 (c) The vote of at least five of the directors must agree to take action. If
22 at least five votes in favor of an action are not cast, an action of rejection
23 shall be deemed to have been taken.

24 (d) The Tahoe transportation district may in accordance with the
25 adopted transportation plan:

26 (1) Own and operate a public transportation system to the exclusion of
27 all other publicly owned transportation systems in the region.

28 (2) Acquire upon mutually agreeable terms any public transportation
29 system or facility owned by a county, city or special purpose district within
30 the region.

31 (3) Hire the employees of existing public transportation systems that
32 are acquired by the district without loss of benefits to the employees,
33 bargain collectively with employee organizations, and extend pension and
34 other collateral benefits to employees.

35 (4) Fix the rates and charges for transit services provided pursuant to
36 this subdivision.

37 (5) Issue revenue bonds and other evidence of indebtedness.

38 (6) By resolution, determine and propose for adoption a tax for the
39 purpose of obtaining services of the district. The tax proposed must be
40 general and of uniform operation throughout the region, and may not be
41 graduated in any way. The district is prohibited from imposing an ad
42 valorem tax, a tax measured by gross or net receipts on business, a tax or
43 charge that is assessed against people or vehicles as they enter or leave the
44 region, and any tax, direct or indirect, on gaming tables and devices. Any
45 such proposition must be submitted to the voters of the district and shall

1 become effective upon approval of two-thirds of the voters voting on the
2 proposition. The revenues from any such tax must be used for the service
3 for which it was imposed, and for no other purpose.

4 (7) Provide service from inside the region to convenient airport,
5 railroad and interstate bus terminals without regard to the boundaries of the
6 region.

7 (e) The legislatures of the states of California and Nevada may, by
8 substantively identical enactments, amend this article.

9
10 ARTICLE X. Miscellaneous

11
12 (a) It is intended that the provisions of this compact shall be reasonably
13 and liberally construed to effectuate the purposes thereof. Except as
14 provided in subdivision (c), the provisions of this compact shall be
15 severable and if any phrase, clause, sentence or provision of this compact
16 is declared to be contrary to the constitution of any participating state or of
17 the United States or the applicability thereof to any government, agency,
18 person or circumstance is held invalid, the validity of the remainder of this
19 compact and the applicability thereof to any government, agency, person
20 or circumstance shall not be affected thereby. If this compact shall be held
21 contrary to the constitution of any state participating therein, the compact
22 shall remain in full force and effect as to the remaining state and in full
23 force and effect as to the state affected as to all severable matters.

24 (b) The agency shall have such additional powers and duties as may
25 hereafter be delegated or imposed upon it from time to time by the action
26 of the Legislature of either state concurred in by the Legislature of the
27 other.

28 (c) A state party to this compact may withdraw therefrom by enacting a
29 statute repealing the compact. Notice of withdrawal shall be communicated
30 officially and in writing to the Governor of the other state and to the
31 agency administrators. This provision is not severable, and if it is held to
32 be unconstitutional or invalid, no other provision of this compact shall be
33 binding upon the State of Nevada or the State of California.

34 (d) No provision of this compact shall have any effect upon the
35 allocation, distribution or storage of interstate waters or upon any
36 appropriative water right.

37 **Sec. 2.** NRS 277.207 is hereby amended to read as follows:

38 277.207 All judicial actions and proceedings in which there may arise
39 a question of the validity of any matter under the provisions of *former*
40 NRS 277.190 to 277.220, inclusive, ~~shall~~ *must* be advanced as a matter
41 of immediate public interest and concern, and be heard at the earliest
42 practicable moment.

1 **Sec. 3.** Chapter 278 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *The Account for the Nevada Tahoe Regional Planning Agency is*
4 *hereby established in the State General Fund and consists of any money*
5 *provided by direct legislative appropriation. Money in the Account must*
6 *be expended for the support of, or paid over directly to, the Agency in*
7 *whatever amount and manner is directed by each appropriation or*
8 *provided by law.*

9 **Sec. 4.** NRS 278.024 is hereby amended to read as follows:

10 278.024 1. In the region of this State for which there has been
11 created by NRS 278.780 to 278.828, inclusive, *and section 3 of this act* a
12 regional planning agency, the powers conferred by NRS 278.010 to
13 278.630, inclusive, upon any other authority are subordinate to the powers
14 of such regional planning agency, and may be exercised only to the extent
15 that their exercise does not conflict with any ordinance or plan adopted by
16 such regional planning agency. The powers conferred by NRS 278.010 to
17 278.630, inclusive, shall be exercised whenever appropriate in furtherance
18 of a plan adopted by the regional planning agency.

19 2. Upon the adoption by a regional planning agency created by NRS
20 278.780 to 278.828, inclusive, *and section 3 of this act* of any regional
21 plan, any plan adopted pursuant to NRS 278.010 to 278.630, inclusive,
22 shall cease to be effective as to the territory embraced in such regional
23 plan. Each planning commission and governing body whose previously
24 adopted plan is so affected shall, within 90 days after the effective date of
25 the regional plan, initiate any necessary procedure to revise its plan and
26 any related zoning ordinances which affect adjacent territory.

27 **Sec. 5.** NRS 278.782 is hereby amended to read as follows:

28 278.782 As used in NRS 278.780 to 278.828, inclusive, *and section 3*
29 *of this act*, unless the context otherwise requires, the words and terms
30 defined in NRS 278.784 to 278.791, inclusive, have the meanings ascribed
31 to them in those sections.

32 **Sec. 6.** NRS 278.792 is hereby amended to read as follows:

33 278.792 1. The Nevada Tahoe Regional Planning Agency is hereby
34 created as a separate legal entity.

35 2. The governing body of the Agency consists of ~~{7}~~ *seven members*
36 *as follows:*

37 (a) One member appointed by each of the boards of county
38 commissioners of Douglas and Washoe counties and one member
39 appointed by the Board of Supervisors of Carson City. Any such member
40 may be a member of the board of county commissioners or Board of
41 Supervisors, respectively, and must reside in the territorial jurisdiction of
42 the governmental body making the appointment.

43 (b) ~~{One member appointed by the}~~ *The* Governor of Nevada ~~{, the~~
44 ~~Secretary of State of Nevada}~~ or a designee of the ~~{Secretary of State, and~~
45 ~~the Director}~~ *Governor.*

1 (c) ~~The [Lieutenant Governor]~~ Secretary of State or a designee of the
2 ~~[Lieutenant Governor]~~ Secretary of State.

3 (d) *The State Forester Firewarden or a designee of the State Forester*
4 *Firewarden.*

5 (e) *The Administrator of the Division of State Lands* of the State
6 Department of Conservation and Natural Resources ~~[of Nevada]~~ or a
7 designee of the ~~[Director.]~~ *Administrator.*

8 ↪ A member who is ~~[appointed or]~~ designated pursuant to ~~[this paragraph~~
9 ~~must not be a resident of the region and]~~ *paragraphs (b) to (e), inclusive,*
10 shall represent the public at large within the State of Nevada.

11 ~~[(c) One member appointed for a 1 year term by the six other~~
12 ~~members. If at least four members are unable to agree upon the selection of~~
13 ~~a seventh member within 30 days after this section becomes effective or~~
14 ~~the occurrence of a vacancy, the Governor shall make the appointment.~~
15 ~~The member appointed pursuant to this paragraph may but is not required~~
16 ~~to be a resident of the region.]~~

17 3. If any appointing authority fails to make an appointment within 30
18 days after the effective date of this section or the occurrence of a vacancy
19 on the governing body, the Governor shall make the appointment.

20 4. The position of any member of the governing body shall be
21 deemed vacant if the member is absent from three consecutive meetings of
22 the governing body in any calendar year.

23 5. Each member and employee of the Agency shall disclose his or her
24 economic interests in the region within 10 days after taking the seat on the
25 governing body or being employed by the Agency and shall thereafter
26 disclose any further economic interest which he or she acquires, as soon as
27 feasible after acquiring it. As used in this section, "economic interest"
28 means:

29 (a) Any business entity operating in the region in which the member
30 has a direct or indirect investment worth more than \$1,000;

31 (b) Any real property located in the region in which the member has a
32 direct or indirect interest worth more than \$1,000;

33 (c) Any source of income attributable to activities in the region, other
34 than loans by or deposits with a commercial lending institution in the
35 regular course of business, aggregating \$250 or more in value received by
36 or promised to the member within the preceding 12 months; or

37 (d) Any business entity operating in the region in which the member is
38 a director, officer, partner, trustee, employee or holds any position of
39 management.

40 ↪ No member or employee of the Agency may make or attempt to
41 influence an Agency decision in which the member or employee knows or
42 has reason to know he or she has a financial interest. Members and
43 employees of the Agency must disqualify themselves from making or
44 participating in the making of any decision of the Agency when it is
45 reasonably foreseeable that the decision will have a material financial

1 effect, distinguishable from its effect on the public generally, on the
2 economic interest of the member or employee.

3 **Sec. 7.** NRS 278.794 is hereby amended to read as follows:

4 278.794 The terms of office of the members of the governing body ~~[-~~
5 ~~other than the member appointed by the other members.]-~~:

6 *1. For members who are elected state officers, coincide with the*
7 *member's elected term of office.*

8 *2. For members who are appointed or designated,* are at the pleasure
9 of the appointing *or designating* authority in each case, but each
10 appointment *and designation* must be reviewed no less often than every 4
11 years.

12 **Sec. 8.** NRS 218E.550 is hereby amended to read as follows:

13 218E.550 As used in NRS 218E.550 to 218E.580, inclusive, unless
14 the context otherwise requires, "Committee" means the Legislative
15 Committee for the Review and Oversight of the *Nevada* Tahoe Regional
16 Planning Agency and the Marlette Lake Water System created by NRS
17 218E.555.

18 **Sec. 9.** NRS 218E.555 is hereby amended to read as follows:

19 218E.555 1. There is hereby created the Legislative Committee for
20 the Review and Oversight of the *Nevada* Tahoe Regional Planning Agency
21 and the Marlette Lake Water System consisting of three members of the
22 Senate and three members of the Assembly, appointed by the Legislative
23 Commission with appropriate regard for their experience with and
24 knowledge of matters relating to the management of natural resources. The
25 members must be appointed to provide representation from the various
26 geographical regions of the State.

27 2. The Legislative Commission shall review and approve the budget
28 and work program for the Committee and any changes to the budget or
29 work program.

30 3. The members of the Committee shall elect a Chair from one House
31 of the Legislature and a Vice Chair from the other House. Each Chair and
32 Vice Chair holds office for a term of 2 years commencing on July 1 of
33 each odd-numbered year.

34 4. Any member of the Committee who is not a candidate for
35 reelection or who is defeated for reelection continues to serve after the
36 general election until the next regular or special session of the Legislature
37 convenes.

38 5. Vacancies on the Committee must be filled in the same manner as
39 original appointments.

40 6. The Committee shall report annually to the Legislative
41 Commission concerning its activities and any recommendations.

42 **Sec. 10.** NRS 218E.565 is hereby amended to read as follows:

43 218E.565 The Committee shall:

44 1. Provide appropriate review and oversight of the *Nevada* Tahoe
45 Regional Planning Agency and the Marlette Lake Water System;

1 2. Review the budget, programs, activities, responsiveness and
2 accountability of the Nevada Tahoe Regional Planning Agency and the
3 Marlette Lake Water System in such a manner as deemed necessary and
4 appropriate by the Committee; *and*

5 3. Study the role, authority and activities of:
6 (a) The Nevada Tahoe Regional Planning Agency regarding the Lake
7 Tahoe Basin; and

8 (b) The Marlette Lake Water System regarding Marlette Lake. ~~}; and~~
9 ~~4. Continue to communicate with members of the Legislature of the~~
10 ~~State of California to achieve the goals set forth in the Tahoe Regional~~
11 ~~Planning Compact.]~~

12 **Sec. 11.** NRS 321.5952 is hereby amended to read as follows:

13 321.5952 The Legislature hereby finds and declares that:

14 1. The Lake Tahoe Basin exhibits unique environmental and
15 ecological conditions that are irreplaceable.

16 2. Certain of the unique environmental and ecological conditions
17 exhibited within the Lake Tahoe Basin, such as the clarity of the water in
18 Lake Tahoe, are diminishing at an alarming rate.

19 3. This State has a compelling interest in preserving, protecting,
20 restoring and enhancing the natural environment of the Lake Tahoe Basin.

21 4. The preservation, protection, restoration and enhancement of the
22 natural environment of the Lake Tahoe Basin is a matter of such
23 significance that it must be carried out on a continual basis.

24 5. It is in the best interest of this State to grant to the Division
25 continuing authority to carry out programs to preserve, protect, restore and
26 enhance the natural environment of the Lake Tahoe Basin.

27 6. The powers and duties set forth in NRS 321.5952 to 321.5957,
28 inclusive, are intended to be exercised by the Division in a manner that
29 complements and does not duplicate the activities of the Nevada Tahoe
30 Regional Planning Agency.

31 **Sec. 12.** NRS 445B.830 is hereby amended to read as follows:

32 445B.830 1. In areas of the State where and when a program is
33 commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the
34 following fees must be paid to the Department of Motor Vehicles and
35 accounted for in the Pollution Control Account, which is hereby created in
36 the State General Fund:

37 (a) For the issuance and annual renewal of a license for an
38 authorized inspection station, authorized maintenance station,
39 authorized station or fleet station.....\$25

40 (b) For each set of 25 forms certifying emission control
41 compliance.....150

42 (c) For each form issued to a fleet station6

43 2. Except as otherwise provided in subsections 6, 7 and 8, and after
44 deduction of the amounts distributed pursuant to subsection 4, money in
45 the Pollution Control Account may, pursuant to legislative appropriation or

1 with the approval of the Interim Finance Committee, be expended by the
2 following agencies in the following order of priority:

3 (a) The Department of Motor Vehicles to carry out the provisions of
4 NRS 445B.770 to 445B.845, inclusive.

5 (b) The State Department of Conservation and Natural Resources to
6 carry out the provisions of this chapter.

7 (c) The State Department of Agriculture to carry out the provisions of
8 NRS 590.010 to 590.150, inclusive.

9 (d) Local governmental agencies in nonattainment or maintenance
10 areas for an air pollutant for which air quality criteria have been issued
11 pursuant to 42 U.S.C. § 7408, for programs related to the improvement of
12 the quality of the air.

13 (e) The *Nevada* Tahoe Regional Planning Agency to carry out the
14 provisions of NRS ~~277.200~~ *278.780 to 278.828, inclusive, and section 3*
15 *of this act* with respect to the preservation and improvement of air quality
16 in the Lake Tahoe Basin.

17 3. The Department of Motor Vehicles may prescribe by regulation
18 routine fees for inspection at the prevailing shop labor rate, including,
19 without limitation, maximum charges for those fees, and for the posting of
20 those fees in a conspicuous place at an authorized inspection station or
21 authorized station.

22 4. The Department of Motor Vehicles shall make quarterly
23 distributions of money in the Pollution Control Account to local
24 governmental agencies in nonattainment or maintenance areas for an air
25 pollutant for which air quality criteria have been issued pursuant to 42
26 U.S.C. § 7408. The distributions of money made to agencies in a county
27 pursuant to this subsection must be made from an amount of money in the
28 Pollution Control Account that is equal to one-sixth of the amount received
29 for each form issued in the county pursuant to subsection 1.

30 5. Each local governmental agency that receives money pursuant to
31 subsection 4 shall, not later than 45 days after the end of the fiscal year in
32 which the money is received, submit to the Director of the Legislative
33 Counsel Bureau for transmittal to the Interim Finance Committee a report
34 on the use of the money received.

35 6. The Department of Motor Vehicles shall by regulation establish a
36 program to award grants of money in the Pollution Control Account to
37 local governmental agencies in nonattainment or maintenance areas for an
38 air pollutant for which air quality criteria have been issued pursuant to 42
39 U.S.C. § 7408, for programs related to the improvement of the quality of
40 the air. The grants to agencies in a county pursuant to this subsection must
41 be made from any excess money in the Pollution Control Account. As used
42 in this subsection, "excess money" means the money in excess of
43 \$1,000,000 remaining in the Pollution Control Account at the end of the
44 fiscal year, after deduction of the amounts distributed pursuant to

1 subsection 4 and any disbursements made from the Account pursuant to
2 subsection 2.

3 7. Any regulations adopted pursuant to subsection 6 must provide for
4 the creation of an advisory committee consisting of representatives of state
5 and local agencies involved in the control of emissions from motor
6 vehicles. The committee shall:

7 (a) Review applications for grants and make recommendations for their
8 approval, rejection or modification;

9 (b) Establish goals and objectives for the program for control of
10 emissions from motor vehicles;

11 (c) Identify areas where funding should be made available; and

12 (d) Review and make recommendations concerning regulations
13 adopted pursuant to subsection 6 or NRS 445B.770.

14 8. Grants proposed pursuant to subsections 6 and 7 must be submitted
15 to the appropriate deputy director of the Department of Motor Vehicles
16 and the Administrator of the Division of Environmental Protection of the
17 State Department of Conservation and Natural Resources. Proposed grants
18 approved by the appropriate deputy director and the Administrator must
19 not be awarded until approved by the Interim Finance Committee.

20 **Sec. 13.** NRS 528.150 is hereby amended to read as follows:

21 528.150 1. On or before January 1 of each year, the State Forester
22 Firewarden shall, in coordination and cooperation with the *Nevada* Tahoe
23 Regional Planning Agency and the fire chiefs within the Lake Tahoe
24 Basin, submit a report concerning fire prevention and forest health in the
25 Nevada portion of the Lake Tahoe Basin to:

26 (a) The Legislative Committee for the Review and Oversight of the
27 *Nevada* Tahoe Regional Planning Agency and Marlette Lake Water
28 System created by NRS 218E.555 and to the Director of the Legislative
29 Counsel Bureau for transmittal to the Legislature;

30 (b) The Governor;

31 (c) The *Nevada* Tahoe Regional Planning Agency; and

32 (d) Each United States Senator and Representative in Congress who is
33 elected to represent the State of Nevada.

34 2. The report submitted by the State Forester Firewarden pursuant to
35 subsection 1 must address, without limitation:

36 (a) The status of:

37 (1) The implementation of plans for the prevention of fires in the
38 Nevada portion of the Lake Tahoe Basin, including, without limitation,
39 plans relating to the reduction of fuel for fires;

40 (2) Efforts concerning forest restoration in the Nevada portion of
41 the Lake Tahoe Basin; and

42 (3) Efforts concerning rehabilitation of vegetation, if any, as a result
43 of fire in the Nevada portion of the Lake Tahoe Basin.

44 (b) Compliance with:

1 (1) The goals and policies for fire prevention and forest health in
2 the Nevada portion of the Lake Tahoe Basin; and

3 (2) Any recommendations concerning fire prevention or public
4 safety made by any fire department or fire protection district in the Nevada
5 portion of the Lake Tahoe Basin.

6 (c) Any efforts to:

7 (1) Increase public awareness in the Nevada portion of the Lake
8 Tahoe Basin regarding fire prevention and public safety; and

9 (2) Coordinate with other federal, state, local and private entities
10 with regard to projects to reduce fire hazards in the Nevada portion of the
11 Lake Tahoe Basin.

12 **Sec. 14.** NRS 540A.030 is hereby amended to read as follows:

13 540A.030 1. In each county to which this chapter applies, except as
14 otherwise provided in subsections 2 and 3, the region within which water
15 is to be managed, and with respect to which plans for its use are to be
16 made, pursuant to this chapter is the entire county except:

17 (a) Any land within the region defined by NRS ~~[277.200, the Tahoe~~
18 ~~Regional Planning Compact.]~~ 278.790; and

19 (b) Lands located within any Indian reservation or Indian colony which
20 are held in trust by the United States.

21 2. The board may exclude from the region any land which it
22 determines is unsuitable for inclusion because of its remoteness from the
23 sources of supply managed pursuant to this chapter or because it lies
24 within a separate hydrologic basin neither affecting nor affected by
25 conditions within the remainder of the region.

26 3. The board may include within the region an area otherwise
27 excluded if it finds that the land requires alleviation of the effect of
28 flooding or drainage of storm waters or another benefit from planning or
29 management performed in the region.

30 **Sec. 15.** Section 1 of The Lake Tahoe Basin Act of 1993, being
31 chapter 355, Statutes of Nevada 1993, at page 1152, is hereby amended to
32 read as follows:

33 Section 1. Program to mitigate environmentally detrimental effects of
34 land coverage: Establishment; authority of state land registrar.

35 1. The Division of State Lands of the State Department of
36 Conservation and Natural Resources shall, within the limits of available
37 money, establish a program to mitigate
38 the environmentally detrimental effects of land coverage in the Lake Tahoe
39 Basin.

40 2. In carrying out the program the Division may, as the State Land
41 Registrar deems appropriate regarding particular parcels of land:

42 (a) Acquire by donation, purchase or exchange real property or any
43 interest in real property in the Lake Tahoe Basin.

44 (b) Transfer by sale, lease or exchange real property or any interest in
45 real property in the Lake Tahoe Basin.

1 (c) Eliminate land coverage on real property acquired pursuant to
2 paragraph (a).

3 (d) Eliminate, or mitigate the effects of, features or conditions of real
4 property acquired pursuant to paragraph (a) which are detrimental to the
5 environment of the Lake Tahoe Basin.

6 (e) Retire or otherwise terminate rights to place land coverage on real
7 property in the Lake Tahoe Basin.

8 3. Any acquisition of real property or any interest in real property
9 made pursuant to this section must first be approved by the State Board of
10 Examiners. The price of the acquisition must be based on the fair market
11 value of the property or interest as determined by a qualified appraiser.

12 4. The State Land Registrar may transfer real property or any interest
13 in real property acquired pursuant to this section:

14 (a) To state and federal agencies, local governments and nonprofit
15 organizations for such consideration as the State Land Registrar deems to
16 be reasonable and in the interest of the general public.

17 (b) To other persons for a price that is not less than the fair market
18 value of the real property or interest as determined by a qualified appraiser.

19 5. ~~Before any real property or an interest in real property is~~
20 ~~transferred pursuant to this section, a declaration of restrictions or deed~~
21 ~~restrictions must be recorded as required by the Tahoe Regional Planning~~
22 ~~Agency to ensure that rights to place land coverage on the real property are~~
23 ~~retired or otherwise terminated.~~

24 ~~6.]~~ The State Land Registrar shall report quarterly to the State Board
25 of Examiners regarding the real property or interests in real property
26 transferred pursuant to this section.

27 ~~7.]~~ 6. As used in this section, "land coverage" means any covering
28 over the natural surface of the ground that prevents water from percolating
29 into the ground.

30 **Sec. 16.** Section 22 of the Western Regional Water Commission Act,
31 being chapter 531, Statutes of Nevada 2007, at page 3289, is hereby
32 amended to read as follows:

33 Sec. 22. Planning area: Boundaries; exclusions; exceptions.

34 1. The planning area in which plans for the use, management and
35 conservation of water are to be made, pursuant to this act, is the entire area
36 within the boundaries of Washoe County except:

37 (a) Any land within the region defined by NRS ~~[277.200, the Tahoe~~
38 ~~Regional Planning Compact.]~~ 278.790;

39 (b) Land located within any Indian reservation or Indian colony which
40 is held in trust by the United States;

41 (c) Land located within the Gerlach General Improvement District or
42 its successor created pursuant to chapter 318 of NRS;

43 (d) Land located within the following administrative groundwater
44 basins established by the United States Geological Survey and the Division

1 of Water Resources of the State Department of Conservation and Natural
2 Resources:

- 3 (1) Basin 22 (San Emidio Desert);
4 (2) Basin 23 (Granite Basin); and
5 (3) Basin 24 (Hualapai Flat); and

6 (e) Any land excluded by the Board pursuant to subsection 2 and not
7 otherwise included pursuant to subsection 3.

8 2. The Board may exclude from the planning area any land which it
9 determines is unsuitable for inclusion because of its remoteness from the
10 water supplies which are the subject of the Comprehensive Plan or because
11 it lies within a separate hydrologic basin neither affecting nor affected by
12 conditions within the remainder of the planning area.

13 3. The Board may include within the planning area any land
14 otherwise excluded pursuant to subsection 2 if it finds that the land
15 requires alleviation of the effect of flooding or drainage of storm waters or
16 requires another benefit from planning or management performed in the
17 planning area.

18 **Sec. 17.** Section 24 of chapter 574, Statutes of Nevada 1979, at page
19 1134, is hereby amended to read as follows:

20 Sec. 24. 1. This section shall become effective upon
21 passage and approval.

22 2. All other sections of this act shall become effective upon
23 ~~proclamation~~:

24 (a) *Withdrawal from the Tahoe Regional Planning Compact*
25 *by the State of Nevada; or*

26 (b) *Proclamation* by the governor of a withdrawal from the
27 Tahoe Regional Planning Compact by the State of California or of
28 his finding that the Tahoe Regional Planning Agency has become
29 unable, for lack of money or for any other reason, to perform its
30 duties or to exercise its powers as provided in the compact ~~and~~,

31 *whichever is earlier.*

32 **Sec. 17.3.** Section 3 of chapter 22, Statutes of Nevada 1987, at
33 page 53, is hereby amended to read as follows:

34 Sec. 3. ~~This~~ Except as otherwise provided in this section,
35 this act becomes effective upon passage and approval. This act does
36 not become effective unless the contingent events described in
37 section 2 of this act have occurred before January 1, 2011.

38 **Sec. 17.7.** Section 4 of chapter 311, Statutes of Nevada 1997, at
39 page 1170, is hereby amended to read as follows:

40 Sec. 4. 1. ~~This~~ Except as otherwise provided in subsection
41 4, this section and section 3 of this act become effective upon
42 passage and approval.

43 2. ~~Section~~ Except as otherwise provided in subsection 4,
44 section 1 of this act:

1 (a) Becomes effective upon proclamation by the governor of this
2 state of the enactment by the State of California of amendments that
3 are substantially identical to the amendments to the Tahoe Regional
4 Planning Compact contained in section 1 of this act, unless the
5 amendments proposed to the Tahoe Regional Planning Compact by
6 chapter 22, Statutes of Nevada 1987, at page 28, have been
7 approved by the Congress of the United States before the governor
8 issues his proclamation; and

9 (b) Expires by limitation upon approval by the Congress of the
10 United States of the amendments proposed to the Tahoe Regional
11 Planning Compact by chapter 22, Statutes of Nevada 1987, at page
12 28.

13 3. ~~[Section 2]~~ *Except as otherwise provided in subsection 4,*
14 *section 2* of this act becomes effective upon proclamation by the
15 governor of this state of:

16 (a) The enactment by the State of California of amendments that
17 are substantially identical to the amendments to the Tahoe Regional
18 Planning Compact contained in section 2 of this act; and

19 (b) The approval by the Congress of the United States of the
20 amendments proposed to the Tahoe Regional Planning Compact by
21 chapter 22, Statutes of Nevada 1987, at page 28.

22 4. The provisions of this act do not become effective unless
23 the contingent events described in this section have occurred
24 before January 1, 2011.

25 **Sec. 18.** 1. NRS 244.153, 266.263, 267.123, 268.099, 269.123,
26 277.190, 277.200, 277.210, 277.215, 278.025, 278.826, 309.385 and
27 318.103 are hereby repealed.

28 2. Sections 1 and 2 of chapter 442, Statutes of Nevada 1985, at pages
29 1257 and 1258, respectively, are hereby repealed.

30 3.
31 NRS 277.220 is repealed effective upon:

32 (a) Payment of all of the outstanding obligations of the Account for the
33 Tahoe Regional Planning Agency created by NRS 277.220; and

34 (b) Transfer of the remaining balance, if any, in the Account for the
35 Tahoe Regional Planning Agency to the Account for the Nevada Tahoe
36 Regional Planning Agency created by section 3 of this act, as required by
37 section 21 of this act.

38 **Sec. 19.** Except as otherwise provided in NRS 278.792 as amended
39 by section 6 of this act, the governing body, officers, advisory planning
40 commission, executive officer, staff and legal counsel elected or appointed
41 pursuant to NRS 278.780 to 278.828, inclusive, shall remain in their
42 respective offices with the Nevada Tahoe Regional Planning Agency after
43 the withdrawal of the State of Nevada from the Tahoe Regional Planning
44 Compact and until the expiration of their terms, termination by the
45 appointing authority or forfeiture of office.

1 Sec. 19.5. 1. With respect to any approval or permit for a
2 project that was given or issued, as applicable, by the Tahoe Regional
3 Planning Agency before the date on which the State of Nevada
4 withdraws from the Tahoe Regional Planning Compact:

5 (a) The permit or approval remains valid after that date; and
6 (b) The Nevada Tahoe Regional Planning Agency shall assume the
7 responsibility of enforcing the conditions, if any, of the approval or
8 permit.

9 2. With respect to any application that was pending before the
10 Tahoe Regional Planning Agency on the date on which the State of
11 Nevada withdraws from the Tahoe Regional Planning Compact, the
12 Nevada Tahoe Regional Planning Agency shall process the application
13 without requiring any new or additional filings or submissions.

14 **Sec. 20.** To protect the legal rights and interests of the State of
15 Nevada and the Nevada Tahoe Regional Planning Agency, the Attorney
16 General shall, as expeditiously as possible, cause appropriate legal action
17 to be taken to resolve, settle or terminate any proposed or pending
18 litigation:

- 19 1. In which the Tahoe Regional Planning Agency is a party; and
20 2. Which involves the rights, interests, obligations or liabilities of the
21 State of Nevada, residents of this State or the Nevada Tahoe Regional
22 Planning Agency.

23 **Sec. 21.** As soon as practicable after ~~the effective date of this act,~~
24 the date on which the State of Nevada withdraws from the Tahoe
25 Regional Planning Compact:

26 1. Any unexpended balance appropriated by the State of Nevada to,
27 and under the control of, the Tahoe Regional Planning Agency; and

28 2. After the payment of any outstanding obligations pursuant to
29 subsection 3 of section 18 of this act, any balance remaining in the
30 Account for the Tahoe Regional Planning Agency created by
31 NRS 277.220,

32 ➤ must be transferred to the Account for the Nevada Tahoe Regional
33 Planning Agency created by section 3 of this act.

34 **Sec. 22.** As soon as practicable after ~~the effective date of this act,~~
35 the date on which the State of Nevada withdraws from the Tahoe
36 Regional Planning Compact, the governing body of the Nevada Tahoe
37 Regional Planning Agency shall:

38 1. Adopt a regional plan pursuant to its authority set forth in NRS
39 278.8111.

40 2. Adopt all necessary ordinances, rules, regulations and policies to
41 effectuate the adopted regional plan pursuant to its authority set forth in
42 NRS 278.813.

43 **Sec. 22.5. 1. In addition to exercising the powers and**
44 **performing the duties set forth in NRS 218E.550 to 218E.580,**

1 inclusive, the Committee shall hold hearings on, and prepare for the
2 Legislature a report concerning, the following matters:

3 (a) The proposed organization and staffing of the Nevada Tahoe
4 Regional Planning Agency which would be necessary for that entity to
5 assume the powers and duties of the Tahoe Regional Planning Agency
6 for the portion of the Lake Tahoe Basin within the State of Nevada.

7 (b) A proposed schedule for the Nevada Tahoe Regional Planning
8 Agency to adopt a regional plan and ordinances as necessary for that
9 entity to assume the powers and duties of the Tahoe Regional Planning
10 Agency for the portion of the Lake Tahoe Basin within the State of
11 Nevada.

12 (c) The proposed annual budget, including, without limitation,
13 estimated legal expenses, of the Nevada Tahoe Regional Planning
14 Agency which would be necessary for that entity to assume the powers
15 and duties of the Tahoe Regional Planning Agency for the portion of
16 the Lake Tahoe Basin within the State of Nevada.

17 (d) An assessment of any potential:

18 (1) Consequences, including, without limitation, legal
19 consequences, transportation consequences, moratoria on permitting
20 and potential impacts to the economy which would likely occur; and

21 (2) Legal expenses, including, without limitation, litigation
22 expenses, which would likely be incurred,

23 ↪ in the event that the State of Nevada withdraws from the Tahoe
24 Regional Planning Compact.

25 (e) Progress of the governing board of the Tahoe Regional
26 Planning Agency toward amending or otherwise revising the regional
27 plan described in the Tahoe Regional Planning Compact to include,
28 without limitation:

29 (1) Delegation of appropriate planning matters to local, state
30 and federal governmental entities as may be allowed by law; and

31 (2) Concurrence from the executive branches of state
32 government of the States of Nevada and California with respect to
33 guiding principles and a schedule for amending the regional plan.

34 (f) Progress of the State of California and the Congress of the
35 United States toward approving the amendments to the Tahoe
36 Regional Planning Compact set forth in section 1.5 of this act.

37 2. On or before December 31, 2012, the Committee shall submit
38 the report described in subsection 1 to the Director of the Legislative
39 Counsel Bureau for transmission to the 77th Session of the Nevada
40 Legislature.

41 3. As used in this section, "Committee" means the Legislative
42 Committee for the Review and Oversight of the Tahoe Regional
43 Planning Agency and the Marlette Lake Water System, created by
44 NRS 218E.555.

45 Sec. 23. 1. The Secretary of State shall transmit ~~to~~ :

1 (a) A certified copy of this act to:
2 ~~11~~ (1) The Governor of the State of California; and
3 ~~12~~ (2) The governing body of the Tahoe Regional Planning Agency.
4 (b) Two certified copies of this act to the Secretary of State of
5 California for delivery to the respective houses of its legislature.
6 2. The Director of the Legislative Counsel Bureau shall transmit
7 copies of section 1.5 of this act to the Vice President of the United
8 States as presiding officer of the Senate, to the Speaker of the House of
9 Representatives, and to all members of Nevada's congressional
10 delegation.
11 3. The Governor of this State, as soon as:
12 (a) The State of California has enacted amendments that are
13 substantially identical to the amendments to the Tahoe Regional
14 Planning Compact contained in section 1.5 of this act; and
15 (b) The Congress of the United States has approved the
16 amendments,
17 ↪ shall proclaim that the compact has been amended as provided in
18 this act.
19 Sec. 23.5. If all of the events described in paragraph (a) of
20 subsection 4 of section 25 of this act have not yet taken place as of July
21 1, 2013, the Governor, on or after that date, but before October 1,
22 2013:
23 1. Shall assess whether it is likely that all of the events described
24 in paragraph (a) of subsection 4 of section 25 of this act will take place
25 in the reasonably foreseeable future; and
26 2. May, if the Governor determines it is likely that all of the
27 events described in paragraph (a) of subsection 4 of section 25 of this
28 act will take place in the reasonably foreseeable future, issue a
29 proclamation to that effect. If the Governor issues the proclamation
30 described in this subsection, sections 1, 2 to 22, inclusive, and 24 of this
31 act must not become effective until October 1, 2015.
32 Sec. 24. The Legislative Counsel shall:
33 1. In preparing the reprint and supplements to the Nevada Revised
34 Statutes, appropriately change any references to an officer, agency or other
35 entity whose name is changed or whose responsibilities are transferred
36 pursuant to the provisions of this act to refer to the appropriate officer,
37 agency or other entity.
38 2. In preparing supplements to the Nevada Administrative Code,
39 appropriately change any references to an officer, agency or other entity
40 whose name is changed or whose responsibilities are transferred pursuant
41 to the provisions of this act to refer to the appropriate officer, agency or
42 other entity.
43 Sec. 25. 1. This section and sections ~~1, 3, 6, 17, 21, 22~~ 17.3, 17.7,
44 ~~22.5, 23~~ and ~~23~~ 23.5 of this act become effective upon passage and
45 approval.

1 2. ~~[Sections]~~ Section 22.5 of this act expires by limitation on
2 January 1, 2013.
3 3. Section 1.5 of this act becomes effective upon proclamation by
4 the Governor of this State of:
5 (a) The enactment by the State of California of amendments that
6 are substantially identical to the amendments to the Tahoe Regional
7 Planning Compact contained in section 1.5 of this act; and
8 (b) The approval by the Congress of the United States of the
9 amendments to the Tahoe Regional Planning Compact contained in
10 section 1.5 of this act.
11 4. Except as otherwise provided in subsection 5, sections 1, 2, ~~4,~~
12 ~~5, 7 to 16,~~ to 22, inclusive, ~~18, 19, 20~~ and 24 of this act become
13 effective on October 1, ~~2011,~~ 2013, unless, by that date, all of the
14 following events have occurred:
15 (a) The State of California has enacted amendments that are
16 substantially identical to the amendments to the Tahoe Regional
17 Planning Compact contained in section 1.5 of this act;
18 (b) The Congress of the United States has approved the
19 amendments to the Tahoe Regional Planning Compact contained in
20 section 1.5 of this act; and
 (c) The governing board of the Tahoe Regional Planning Agency
has adopted an update to the 1987 Regional Plan.
 5. In the event that the Governor of this State issues a
proclamation pursuant to section 23.5 of this act, sections 1, 2 to 22,
inclusive, and 24 of this act become effective on October 1, 2015.

**LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA**

- 244.153 Public works: County’s powers subordinate to powers of regional planning agency.
- 266.263 Public works: City’s powers subordinate to powers of regional planning agency.
- 267.123 Public works: City’s powers subordinate to powers of regional planning agency.
- 268.099 City’s powers subordinate to powers of regional planning agency.
- 269.123 Town’s powers subordinate to powers of regional planning agency.
- 277.190 Enactment of Tahoe Regional Planning Compact.
- 277.200 Text of Compact. [Effective until approval by the Congress of the United States of the proposed amendments of 1987 or

until proclamation by the Governor of this State that the State of California has enacted amendments substantially similar to the amendments approved in 1997 by the Legislature of this State.]

277.210 Conflict of interest of member of governing body; penalties.

277.215 Violation of certain provisions of Code of Ordinances of Tahoe Regional Planning Agency: Peace officer authorized to take various actions; reporting of name and address of violator; exception.

277.220 Account for Tahoe Regional Planning Agency: Creation; source and use of money.

278.025 Powers of regional planning agency created by interstate compact.

278.826 Assumption of powers and duties by Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

309.385 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.

318.103 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.

Section 1 of chapter 442, Statutes of Nevada 1985, page 1257:

Section 1. NRS 278.792 is hereby amended to read as follows:

278.792 1. The Nevada Tahoe regional planning agency is hereby created as a separate legal entity.

2. The governing body of the agency consists of:

(a) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and must reside in the territorial jurisdiction of the governmental body making the appointment.

(b) ~~One member~~ **Two members** appointed by the governor ~~of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. A member who is appointed or designated pursuant to this paragraph must not be a resident of the region and shall represent the public at large within the State of Nevada.~~

~~—(c) One member appointed for a 1 year term by the six other members. If at least four members are unable to agree upon the selection of a seventh member within 30 days after this section becomes effective or the~~

~~occurrence of a vacancy, the governor shall make the appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region.] of this state.~~

(c) One member appointed by the speaker of the assembly, and one member appointed by the majority leader of the senate, of this state.

3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the governor shall make the appointment.

4. The position of any member of the governing body shall be deemed vacant if the member is absent from three consecutive meetings of the governing body in any calendar year.

5. Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing body or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this section, "economic interest" means:

(a) Any business entity operating in the region in which the member has a direct or indirect investment worth more than \$1,000 ; ~~;~~

(b) Any real property located in the region in which the member has a direct or indirect interest worth more than \$1,000 ; ~~;~~

(c) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating \$250 or more in value received by or promised to the member within the preceding 12 months; or

(d) Any business entity operating in the region in which the member is a director, officer, partner, trustee, employee or holds any position of management.

No member or employee of the agency may make or attempt to influence ~~[an agency decision]~~ *a decision of the agency* in which he knows or has reason to know he has a financial interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest of the member or employee.

Section 2 of chapter 442, Statutes of Nevada 1985, page 1258:

Sec. 2. 1. This section becomes effective upon passage and approval.

2. All other sections of this act become effective 1 minute after a proclamation by the governor of the amendment of Article III(a)(2) of the Tahoe Regional Planning Compact as proposed by Assembly Bill No. 433 of this session.

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