

ASSEMBLY BILL NO. 305—ASSEMBLYMEN ANGLE, GUSTAVSON,
KNECHT, CARPENTER AND MORTENSON

MARCH 13, 2003

Referred to Committee on Government Affairs

SUMMARY—Provides for withdrawal of State of Nevada from
Tahoe Regional Planning Compact. (BDR 22-801)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to land use planning; providing for the withdrawal
of the State of Nevada from the Tahoe Regional Planning
Compact; and providing other matters properly relating
thereto.

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

- 1 **Section 1.** The State of Nevada hereby withdraws from the
2 Tahoe Regional Planning Compact pursuant to the provisions of
3 paragraph (c) of Article X of the Tahoe Regional Planning Compact.
4 **Sec. 2.** NRS 321.5952 is hereby amended to read as follows:
5 321.5952 The Legislature hereby finds and declares that:
6 1. The Lake Tahoe Basin exhibits unique environmental and
7 ecological conditions that are irreplaceable.
8 2. Certain of the unique environmental and ecological
9 conditions exhibited within the Lake Tahoe Basin, such as the
10 clarity of the water in Lake Tahoe, are diminishing at an alarming
11 rate.
12 3. This state has a compelling interest in preserving, protecting,
13 restoring and enhancing the natural environment of the Lake Tahoe
14 Basin.
15 4. The preservation, protection, restoration and enhancement of
16 the natural environment of the Lake Tahoe Basin is a matter of such
17 significance that it must be carried out on a continual basis.



* A B 3 0 5 *

1 5. It is in the best interest of this state to grant to the Division
2 continuing authority to carry out programs to preserve, protect,
3 restore and enhance the natural environment of the Lake Tahoe
4 Basin.

5 ~~[6. The powers and duties set forth in NRS 321.5952 to~~
6 ~~321.5957, inclusive, are intended to be exercised by the Division in~~
7 ~~a manner that complements and does not duplicate the activities of~~
8 ~~the Tahoe Regional Planning Agency.]~~

9 **Sec. 3.** NRS 321.655 is hereby amended to read as follows:
10 321.655 As used in NRS 321.640 to 321.770, inclusive:

11 1. "Administrator" means the executive head of the Division.

12 2. "Area of critical environmental concern" means any area in
13 this state where there is or could develop irreversible degradation of
14 more than local significance but does not include an area of
15 depleting water supply which is caused by the beneficial use or
16 storage of water in other areas pursuant to legally owned and fully
17 appropriated water rights.

18 3. "Planning agency" means:

19 (a) The planning commission for the city in which the land is
20 entirely located; or

21 (b) A county or regional planning commission, if there is one, or
22 the board of county commissioners ~~for Nevada Tahoe Regional~~
23 ~~Planning Agency,]~~ within whose jurisdiction the land is located.

24 4. "Public lands" means all lands within the exterior
25 boundaries of the State of Nevada except lands:

26 (a) To which title is held by any private person or entity;

27 (b) To which title is held by the State of Nevada, any of its local
28 governments or the University and Community College System of
29 Nevada;

30 (c) Which are located within congressionally authorized national
31 parks, monuments, national forests or wildlife refuges, or which are
32 lands acquired by purchase consented to by the Legislature;

33 (d) Which are controlled by the United States Department of
34 Defense, Department of Energy or Bureau of Reclamation; or

35 (e) Which are held in trust for Indian purposes or are Indian
36 reservations.

37 **Sec. 4.** NRS 328.195 is hereby amended to read as follows:

38 328.195 1. The consent of the State of Nevada to the
39 acquisition of lands by the United States for wildlife refuges
40 pursuant to the Migratory Bird Conservation Act of 1929, as
41 amended, 16 U.S.C. §§ 715, et seq., whether in fee or by lease or
42 easement, may be granted only if recommended by the planning
43 agency within whose jurisdiction the land is located and approved
44 by the Legislature by law.

45 2. As used in this section, "planning agency" means:



1 (a) The planning commission for the city in which the land is
2 entirely located; or

3 (b) A county or regional planning commission, if there is one, or
4 the board of county commissioners ~~for Nevada Tahoe Regional~~
5 ~~Planning Agency,]~~ within whose jurisdiction the land is located.

6 **Sec. 5.** NRS 408.077 is hereby amended to read as follows:
7 408.077 "Planning agency" means:

8 1. The planning commission for the city in which the road is
9 entirely located; or

10 2. A county or regional planning commission, if there is one, or
11 the board of county commissioners ~~for Nevada Tahoe Regional~~
12 ~~Planning Agency,]~~ within whose jurisdiction the road is located.

13 **Sec. 6.** NRS 445B.830 is hereby amended to read as follows:

14 445B.830 1. In areas of the State where and when a program
15 is commenced pursuant to NRS 445B.770 to 445B.815, inclusive,
16 the following fees must be paid to the Department of Motor
17 Vehicles and accounted for in the Pollution Control Account, which
18 is hereby created in the State General Fund:

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

22 (b) For each set of 25 forms certifying emission control
23 compliance..... 125

24 (c) For each form issued to a fleet station 5

25 2. Except as otherwise provided in subsections 4, 5 and 6, and
26 after deduction of the amount required for grants pursuant to
27 paragraph (a) of subsection 4, money in the Pollution Control
28 Account may, pursuant to legislative appropriation or with the
29 approval of the Interim Finance Committee, be expended by the
30 following agencies in the following order of priority:

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

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

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

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

41 ~~[(e) The Tahoe Regional Planning Agency to carry out the~~
42 ~~provisions of NRS 277.200 with respect to the preservation and~~
43 ~~improvement of air quality in the Lake Tahoe Basin.]~~

44 3. The Department of Motor Vehicles may prescribe by
45 regulation routine fees for inspection at the prevailing shop labor



1 rate, including, without limitation, maximum charges for those fees,
2 and for the posting of those fees in a conspicuous place at an
3 authorized inspection station or authorized station.

4 4. The Department of Motor Vehicles shall by regulation
5 establish a program to award grants of money in the Pollution
6 Control Account to local governmental agencies in nonattainment or
7 maintenance areas for an air pollutant for which air quality criteria
8 have been issued pursuant to 42 U.S.C. § 7408, for programs related
9 to the improvement of the quality of air. The grants to agencies in a
10 county pursuant to this subsection must be made from:

11 (a) An amount of money in the Pollution Control Account that is
12 equal to one-fifth of the amount received for each form issued in the
13 county pursuant to subsection 1; and

14 (b) Excess money in the Pollution Control Account. As used in
15 this paragraph, "excess money" means the money in excess of
16 \$500,000 remaining in the Pollution Control Account at the end of
17 the fiscal year, after deduction of the amount required for grants
18 pursuant to paragraph (a) and any disbursements made from the
19 Account pursuant to subsection 2.

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

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

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

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

29 (d) Review and make recommendations concerning regulations
30 adopted pursuant to subsection 4 or NRS 445B.770.

31 6. Grants proposed pursuant to subsections 4 and 5 must be
32 submitted to the appropriate Deputy Director of the Department of
33 Motor Vehicles and the Administrator of the Division of
34 Environmental Protection of the State Department of Conservation
35 and Natural Resources. Proposed grants approved by the appropriate
36 Deputy Director and the Administrator must not be awarded until
37 approved by the Interim Finance Committee.

38 **Sec. 7.** NRS 540A.030 is hereby amended to read as follows:

39 540A.030 1. In each county to which this chapter applies,
40 except as otherwise provided in subsections 2 and 3, the region
41 within which water is to be managed, and with respect to which
42 plans for its use are to be made, pursuant to this chapter is the entire
43 county except ~~the~~:

44 ~~—(a) Any land within the region defined by NRS 277.200, the~~
45 ~~Tahoe Regional Planning Compact; and~~



* A B 3 0 5 *

1 ~~—(b) Lands~~ **lands** located within any Indian reservation or Indian
2 colony which are held in trust by the United States.

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

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

12 **Sec. 8.** NRS 244.152, 244.153, 266.263, 267.123, 268.098,
13 268.099, 269.122, 269.123, 277.190, 277.200, 277.207, 277.210,
14 277.215, 277.220, 278.024, 278.0288, 278.780, 278.782, 278.784,
15 278.786, 278.788, 278.790, 278.791, 278.792, 278.794, 278.796,
16 278.798, 278.800, 278.802, 278.804, 278.806, 278.808, 278.810,
17 278.8111, 278.8113, 278.8115, 278.8117, 278.8119, 278.812,
18 278.8121, 278.8123, 278.8125, 278.8127, 278.813, 278.814,
19 278.816, 278.818, 278.820, 278.822, 278.824, 278.826, 278.828,
20 309.383 and 318.102 are hereby repealed.

21 **Sec. 9.** As soon as practicable after July 1, 2003:

22 1. Any unexpended balance appropriated by the State of
23 Nevada to, and under the control of, the Tahoe Regional Planning
24 Agency must be returned to the State Treasurer for credit to the
25 State General Fund;

26 2. Any money in the Tahoe Regional Planning Agency Fund in
27 the State Treasury must revert to the State General Fund; and

28 3. The Secretary of State shall transmit a certified copy of this
29 act to:

30 (a) The Governor of the State of California; and

31 (b) The governing body of the Tahoe Regional Planning
32 Agency.

33 **Sec. 10.** This act becomes effective on July 1, 2003.

LEADLINES OF REPEALED SECTIONS

244.152 Public works: County's powers subordinate to powers of Nevada Tahoe Regional Planning Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]



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.

268.098 City's powers subordinate to powers of Nevada Tahoe Regional Planning Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

268.099 City's powers subordinate to powers of regional planning agency.

269.122 Town's powers subordinate to powers of Nevada Tahoe Regional Planning Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

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.]

277.207 Priority for hearings in judicial actions and proceedings.

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.

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



- 278.0288 Exempted region.
- 278.780 Legislative findings and declaration.
- 278.782 Definitions.
- 278.784 "Agency" defined.
- 278.786 "Governing body" defined.
- 278.788 "Planning commission" defined.
- 278.790 "Region" defined.
- 278.791 "Restricted gaming license" defined.
- 278.792 Nevada Tahoe Regional Planning Agency: Creation; composition of governing body. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- 278.794 Terms of office of members of governing body. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- 278.796 Vacancies.
- 278.798 Expenses of members and agency.
- 278.800 Officers: Election; terms; vacancies.
- 278.802 Meetings.
- 278.804 Quorum; voting; rules of procedure.
- 278.806 Office; records; budget.
- 278.808 Advisory planning commission: Appointment; composition. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- 278.810 Executive officer; staff; attorney.
- 278.811 Regional plan: Adoption and review; contents. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]
- 278.8113 Regional plan: Public hearings by planning commission in preparing plan and amendments; action by governing body. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]



278.8115 Regional plan: Correlated elements. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.8117 Regional plan: Formulation and maintenance; duties of planning commission, governing body and Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.8119 Maintenance and availability of data, maps and other information; assistance in exchanges of property. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.812 Review of applications approved by local authorities. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.8121 Review and approval of public works. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.8123 Time limited for review and approval of proposal by Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.8125 Permitted and conforming uses.

278.8127 Exemption from and intendment of NRS 278.8125.

278.813 Ordinances, rules and regulations; general and regional standards. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.814 Ordinances: Publication by title; copies transmitted to political subdivisions within region.



* A B 3 0 5 *

278.816 Enforcement of ordinances, rules, regulations and policies; jurisdiction of courts.

278.818 Violation of ordinance, rule or regulation: Penalty.

278.820 Financial powers of Agency. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.822 Powers of local authorities subordinate to those of Agency.

278.824 Limitation on powers of Agency. [Effective until proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

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 his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

278.828 Unlawful contract or purchase by member of governing body; penalties.

309.383 Powers of district concerning location and construction of improvements subordinate to powers of Nevada Tahoe Regional Planning agency. [Effective upon proclamation by governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

318.102 Powers of district concerning location and construction of improvements subordinate to powers of Nevada Tahoe Regional Planning Agency. [Effective upon proclamation by governor of withdrawal of California from Tahoe Regional Planning Compact or of his finding that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

