

Amendment No. 943

Assembly Amendment to Senate Bill No. 271 First Reprint	(BDR 22-988)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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 underlining* is newly added transitory language.

MSM/BJE



Date: 6/5/2011

S.B. No. 271—Provides for withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances.  
(BDR 22-988)



## SENATE BILL NO. 271—SENATORS LEE; AND SETTELMAYER

MARCH 18, 2011

JOINT SPONSORS: ASSEMBLYMEN HICKEY, KIRNER AND KITE

Referred to Committee on Government Affairs

SUMMARY—Provides for withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. (BDR 22-988)

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

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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 under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth the Tahoe Regional Planning Compact, an interstate agreement between the States of California and Nevada pursuant to which the bistate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220) Existing law also provides that if either State withdraws from the Compact, the Nevada Tahoe Regional Planning Agency shall assume the duties and powers of regulating environmental and land-use matters on this State's side of the Lake Tahoe Basin. (NRS 278.826)

This bill provides for the withdrawal of Nevada from the Tahoe Regional Planning Compact unless the governing body of the Tahoe Regional Planning Agency adopts an updated Regional Plan and certain proposed amendments to the Compact are approved pursuant to Public Law 96-551. The proposed amendments to the Compact are: (1) the removal of the supermajority requirement for the governing body of the Agency to establish a quorum; (2) the removal of the supermajority requirement for voting by the governing body; (3) a requirement that the governing body of the Agency consider the changing economic conditions of the Lake Tahoe Basin and amend the Regional Plan, accordingly; and (4) the addition of a provision to the Compact which sets forth that any person who legally challenges the Regional Plan has the burden of proving the Regional Plan does not comply with the provisions of the Compact. If the Agency does not adopt an updated Regional Plan and the proposed amendments are not approved by October 1, ~~2014~~ **2015**, Nevada's withdrawal from the Compact will become effective on that date unless the Governor issues a proclamation extending the deadline for withdrawal until October 1, 2017.

This bill also requires the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System to prepare a report detailing certain issues related to ~~Nevada withdrawing from~~ **Nevada's participation in** the Compact. **This bill further directs the Legislative Committee to appoint a delegation to work with a like delegation from the California Legislature to discuss possible changes**

to the Compact. Additionally, this bill authorizes the Legislative Committee to submit to the 77th Session of the Nevada Legislature (2013) a bill draft request which would have the effect of preventing Nevada's withdrawal from the Compact, if the Legislative Committee determines that Nevada should remain a party to the Compact.

This bill provides that if Nevada withdraws from the Compact, the Nevada Tahoe Regional Planning Agency will assume the duties and powers currently held by the bistate Agency for the portion of the Lake Tahoe Basin within this State. This bill also establishes temporary measures to ensure that the Nevada Tahoe Regional Planning Agency is able to assume those duties and powers in an orderly manner.

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

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

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

277.200 The Tahoe Regional Planning Compact is as follows:

**Tahoe Regional Planning Compact**

**ARTICLE I. Findings and Declarations of Policy**

(a) It is found and declared that:

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II. Definitions

As used in this compact:

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

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

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

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

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

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

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

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

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety

1 within the region. Such standards shall include but not be limited to standards for  
2 air quality, water quality, soil conservation, vegetation preservation and noise.

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

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

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

12 (m) "Nonrestricted license" means a gaming license which is not a restricted  
13 gaming license.

### 14 **ARTICLE III. Organization**

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16  
17 (a) There is created the Tahoe Regional Planning Agency as a separate legal  
18 entity.

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

20 (1) California delegation:

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

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

31 (2) Nevada delegation:

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

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

44 (C) One member appointed for a 1-year term by the six other members of the  
45 Nevada delegation. If at least four members of the Nevada delegation are unable to  
46 agree upon the selection of a seventh member within 60 days after the effective date  
47 of the amendments to this compact or the occurrence of a vacancy on the governing  
48 body for that state the governor of the State of Nevada shall make such an  
49 appointment. The member appointed pursuant to this subparagraph may, but is not  
50 required to, be a resident of the region within the State of Nevada.

51 (3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B)  
52 fails to make such an appointment within 60 days after the effective date of the  
53 amendments to this compact or the occurrence of a vacancy on the governing body,

1 the governor of the state in which the appointing authority is located shall make the  
2 appointment. The term of any member so appointed shall be 1 year.

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

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

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

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

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

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

22 ➤ No member or employee of the agency shall make, or attempt to influence, an  
23 agency decision in which he knows or has reason to know he has an economic  
24 interest. Members and employees of the agency must disqualify themselves from  
25 making or participating in the making of any decision of the agency when it is  
26 reasonably foreseeable that the decision will have a material financial effect,  
27 distinguishable from its effect on the public generally, on the economic interests of  
28 the member or employee.

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

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

40 (d) The governing body of the agency shall meet at least monthly. All meetings  
41 shall be open to the public to the extent required by the law of the State of  
42 California or the State of Nevada, whichever imposes the greater requirement,  
43 applicable to local governments at the time such meeting is held. The governing  
44 body shall fix a date for its regular monthly meeting in such terms as "the first  
45 Monday of each month," and shall not change such date more often than once in  
46 any calendar year. Notice of the date so fixed shall be given by publication at least  
47 once in a newspaper or combination of newspapers whose circulation is general  
48 throughout the region and in each county a portion of whose territory lies within the  
49 region. Notice of any special meeting, except an emergency meeting, shall be given  
50 by so publishing the date and place and posting an agenda at least 5 days prior to  
51 the meeting.

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

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

(g) ~~Four~~ ~~(Eight)~~ of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows: ~~the affirmative vote of at least four members of the governing body is sufficient for any of the following purposes.~~

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations ~~the vote of at least four of the~~ ~~nine members of each state agreeing with the vote of at least four members of the other state shall be required~~ ~~the governing body must agree to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph,~~ at least nine votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

(2) For approving a project ~~the~~ the affirmative vote of at least ~~(five)~~ four members from the state in which the project is located and the affirmative vote of at least nine members of the entire governing body are required. If at least ~~(five)~~ four members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

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

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

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the

1 state department of conservation and natural resources of the State of Nevada, the  
2 administrator of the division of environmental protection in the state department of  
3 conservation and natural resources of the State of Nevada, the administrator of the  
4 Lake Tahoe Management Unit of the United States Forest Service, and at least four  
5 lay members with an equal number from each state, at least half of whom shall be  
6 residents of the region. Any official member may designate an alternate.

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

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

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

16 A majority of the members of the advisory planning commission constitutes a  
17 quorum for the transaction of the business of the commission. A majority vote of  
18 the quorum present shall be required to take action with respect to any matter.

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

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

#### 28 **ARTICLE IV. Personnel**

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30  
31 (a) The governing body shall determine the qualification of, and it shall  
32 appoint and fix the salary of, the executive officer of the agency, and shall employ  
33 such other staff and legal counsel as may be necessary to execute the powers and  
34 functions provided for under this compact or in accordance with any  
35 intergovernmental contracts or agreements the agency may be responsible for  
36 administering.

37 (b) Agency personnel standards and regulations shall conform insofar as  
38 possible to the regulations and procedures of the civil service of the State of  
39 California or the State of Nevada, as may be determined by the governing body of  
40 the agency; and shall be regional and bistate in application and effect; provided that  
41 the governing body may, for administrative convenience and at its discretion,  
42 assign the administration of designated personnel arrangements to an agency of  
43 either state, and provided that administratively convenient adjustments be made in  
44 the standards and regulations governing personnel assigned under  
45 intergovernmental agreements.

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

**ARTICLE V. Planning**

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

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

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

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

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

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

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

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan ~~and~~ *and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce.* The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

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

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

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation

1 facilities, transit routes, waterways, navigation facilities, public transportation  
2 facilities, bicycle facilities, and appurtenant terminals and facilities for the  
3 movement of people and goods within the region. The goal of transportation  
4 planning shall be:

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

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

10 ➤ Where increases in capacity are required, the agency shall give preference to  
11 providing such capacity through public transportation and public programs and  
12 projects related to transportation. The agency shall review and consider all existing  
13 transportation plans in preparing its regional transportation plan pursuant to this  
14 paragraph.

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

16 The plan shall give consideration to:

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

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

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

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

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

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

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

34 In formulating and maintaining the regional plan, the planning commission and  
35 governing body shall take account of and shall seek to harmonize the needs of the  
36 region as a whole, the plans of the counties and cities within the region, the plans  
37 and planning activities of the state, federal and other public agencies and  
38 nongovernmental agencies and organizations which affect or are concerned with  
39 planning and development within the region.

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

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

50 (e) Except for the Regional Transportation Plan of the California Tahoe  
51 Regional Planning Agency, the regional plan, ordinances, rules and regulations  
52 adopted by the California Tahoe Regional Planning Agency in effect on July 1,  
53 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe

1 Regional Planning Agency for that portion of the Tahoe region located in the State  
2 of California. Such plan, ordinance, rule or regulation may be amended or repealed  
3 by the governing body of the agency. The plans, ordinances, rules and regulations  
4 of the Tahoe Regional Planning Agency that do not conflict with, or are not  
5 addressed by, the California Tahoe Regional Planning Agency's plans, ordinances,  
6 rules and regulations referred to in this subdivision shall continue to be applicable  
7 unless amended or repealed by the governing body of the agency. No provision of  
8 the regional plan, ordinances, rules and regulations of the California Tahoe  
9 Regional Planning Agency referred to in this subdivision shall apply to that portion  
10 of the region within the State of Nevada, unless such provision is adopted for the  
11 Nevada portion of the region by the governing body of the agency.

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

14 (g) The agency shall adopt ordinances prescribing specific written findings that  
15 the agency must make prior to approving any project in the region. These findings  
16 shall relate to environmental protection and shall insure that the project under  
17 review will not adversely affect implementation of the regional plan and will not  
18 cause the adopted environmental threshold carrying capacities of the region to be  
19 exceeded.

20 (h) The agency shall maintain the data, maps and other information developed  
21 in the course of formulating and administering the regional plan, in a form suitable  
22 to assure a consistent view of developmental trends and other relevant information  
23 for the availability of and use by other agencies of government and by private  
24 organizations and individuals concerned.

25 (i) Where necessary for the realization of the regional plan, the agency may  
26 engage in collaborative planning with local governmental jurisdictions located  
27 outside the region, but contiguous to its boundaries. In formulating and  
28 implementing the regional plan, the agency shall seek the cooperation and consider  
29 the recommendations of counties and cities and other agencies of local government,  
30 of state and federal agencies, of educational institutions and research organizations,  
31 whether public or private, and of civic groups and private persons.

## 32 **ARTICLE VI. Agency's Powers**

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

51 The agency shall prescribe by ordinance those activities which it has  
52 determined will not have substantial effect on the land, water, air, space or any

1 other natural resources in the region and therefore will be exempt from its review  
2 and approval.

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

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

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

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

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

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

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

42 (3) During each of the calendar years 1980, 1981 and 1982, no city or county  
43 may issue building permits which authorize the construction of a greater number of  
44 new residential units within the region than were authorized within the region by  
45 building permits issued by that city or county during the calendar year 1978. For  
46 the period of January through April, 1983, building permits authorizing the  
47 construction of no more than one-third of that number may be issued by each such  
48 city or county. For purposes of this paragraph a "residential unit" means either a  
49 single family residence or an individual residential unit within a larger building,  
50 such as an apartment building, a duplex or a condominium.

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

3 1. City of South Lake Tahoe and El Dorado County (combined).....	252
4 2. Placer County.....	278
5 3. Carson City .....	-0-
6 4. Douglas County .....	339
7 5. Washoe County.....	739

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

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

17 1. City of South Lake Tahoe and El Dorado County (combined).....	64,324
18 2. Placer County.....	23,000
19 3. Carson City .....	-0-
20 4. Douglas County .....	57,354
21 5. Washoe County.....	50,600

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

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

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

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

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

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

46 The moratorium imposed by this subdivision does not apply to the construction  
47 of any parking garage which has been approved by the agency prior to May 4,  
48 1979, whether that approval was affirmative or by default. The provisions of this  
49 paragraph are not an expression of legislative intent that any such parking garage,  
50 the approval of which is the subject of litigation which was pending on the effective  
51 date of the amendments to this compact, should or should not be constructed. The  
52 provisions of this paragraph are intended solely to permit construction of such a  
53 parking garage if a judgment sustaining the agency's approval to construct that

1 parking garage has become final and no appeal is pending or may lawfully be taken  
2 to a higher court.

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

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

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

18 (3) Gaming conducted pursuant to a restricted gaming license issued before  
19 May 4, 1979, to the extent permitted by that license on that date.

20 ➤ The area within any structure housing gaming under a nonrestricted license  
21 which may be open to public use (as distinct from that devoted to the private use of  
22 guests and exclusive of any parking area) is limited to the area existing or approved  
23 for public use on May 4, 1979. Within these limits, any external modification of the  
24 structure which requires a permit from a local government also requires approval  
25 from the agency. The agency shall not permit restaurants, convention facilities,  
26 showrooms or other public areas to be constructed elsewhere in the region outside  
27 the structure in order to replace areas existing or approved for public use on May 4,  
28 1979.

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

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

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

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

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

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

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

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

49 ➤ The agency shall make this determination within 60 days after the proposal is  
50 delivered to the agency in compliance with the agency's rules or regulations  
51 governing such delivery unless the applicant has agreed to an extension of this time  
52 limit. If an external modification is determined to have any of the effects  
53 enumerated in subparagraphs (A) through (C), it is prohibited. If an external

modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

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

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

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

(A) The location of its external walls;

(B) Its total cubic volume;

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

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

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

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

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

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

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

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

(1) This subdivision applies to:

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

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

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

5 Such legal actions may be filed and the provisions of this subdivision apply  
6 equally in the appropriate courts of California and Nevada and of the United States.

7 (2) Venue lies:

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

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

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

24 (4) A legal action arising out of the adoption or amendment of the regional  
25 plan or of any ordinance or regulation of the agency, or out of the granting or denial  
26 of any permit, shall be commenced within 60 days after final action by the agency.  
27 All other legal actions shall be commenced within 65 days after discovery of the  
28 cause of action.

29 (5) In any legal action filed pursuant to this subdivision which challenges an  
30 adjudicatory act or decision of the agency to approve or disapprove a project, the  
31 scope of judicial inquiry shall extend only to whether there was prejudicial abuse of  
32 discretion. Prejudicial abuse of discretion is established if the agency has not  
33 proceeded in a manner required by law or if the act or decision of the agency was  
34 not supported by substantial evidence in light of the whole record. In making such a  
35 determination the court shall not exercise its independent judgment on evidence but  
36 shall only determine whether the act or decision was supported by substantial  
37 evidence in light of the whole record. In any legal action filed pursuant to this  
38 subdivision which challenges a legislative act or decision of the agency (such as the  
39 adoption of the regional plan and the enactment of implementing ordinances), the  
40 scope of the judicial inquiry shall extend only to the questions of whether the act or  
41 decision has been arbitrary, capricious or lacking substantial evidentiary support or  
42 whether the agency has failed to proceed in a manner required by law. *In addition,*  
43 *there is a rebuttable presumption that a regional plan adopted, amended,*  
44 *formulated or maintained pursuant to this compact is in conformance with the*  
45 *requirements applicable to this compact, and a party challenging the regional*  
46 *plan has the burden of showing that it is not in conformance with the*  
47 *requirements applicable to this compact.*

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

52 (7) The security required for the issuance of a temporary restraining order or  
53 preliminary injunction based upon an alleged violation of this compact or any

ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

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

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

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

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

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

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

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

## **ARTICLE VII. Environmental Impact Statements**

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

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

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

(A) The significant environmental impacts of the proposed project;  
(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

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

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

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

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➤ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

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

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

## **ARTICLE VIII. Finances**

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

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

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

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

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

## **ARTICLE IX. Transportation District**

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

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

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer who must be appointed by his respective board of supervisors;

(2) One member of the city council of the City of South Lake Tahoe who must be appointed by the city council;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County who must be appointed by his respective board of county commissioners;

(4) One member of the board of supervisors of Carson City who must be appointed by the board of supervisors;

(5) One member of the South Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(6) One member of the North Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(7) One member of each local transportation district in the region that is authorized by the State of Nevada or the State of California who must be appointed by his respective transportation district;

(8) One member appointed by a majority of the other voting directors who represents a public or private transportation system operating in the region;

(9) The director of the California Department of Transportation; and

(10) The director of the department of transportation of the State of Nevada.

Any entity that appoints a member to the board of directors, the director of the California Department of Transportation or the director of the department of transportation of the State of Nevada may designate an alternate.

(c) Before a local transportation district appoints a member to the board of directors pursuant to paragraph (7) of subdivision (b), the local transportation district must enter into a written agreement with the Tahoe transportation district that sets forth the responsibilities of the districts for the establishment of policies and the management of financial matters, including, but not limited to, the distribution of revenue among the districts.

(d) The directors of the California Department of Transportation and the department of transportation of the State of Nevada, or their designated alternates, serve as nonvoting directors, but shall provide technical and professional advice to the district as necessary and appropriate.

(e) The vote of a majority of the directors must agree to take action. If a majority of votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(f) The Tahoe transportation district may by resolution establish procedures for the adoption of its budgets, the appropriation of its money and the carrying on of its other financial activities. These procedures must conform insofar as is practicable to the procedures for financial administration of the State of California or the State of Nevada or one or more of the local governments in the region.

(g) The Tahoe transportation district may in accordance with the adopted transportation plan:

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

(2) Own and operate support facilities for public and private systems of transportation, including, but not limited to, parking lots, terminals, facilities for maintenance, devices for the collection of revenue and other related equipment.

(3) Acquire or agree to operate upon mutually agreeable terms any publicly or privately owned transportation system or facility within the region.

(4) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain

collectively with employee organizations, and extend pension and other collateral benefits to employees.

(5) Contract with private companies to provide supplementary transportation or provide any of the services needed in operating a system of transportation for the region.

(6) Contract with local governments in the region to operate transportation facilities or provide any of the services necessary to operate a system of transportation for the region.

(7) Fix the rates and charges for transportation services provided pursuant to this subdivision.

(8) Issue revenue bonds and other evidence of indebtedness and make other financial arrangements appropriate for developing and operating a public transportation system.

(9) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way, except for a sales and use tax. If a sales and use tax is approved by the voters as provided in this paragraph, it may be administered by the states of California and Nevada respectively in accordance with the laws that apply within their respective jurisdictions and must not exceed a rate of 1 percent of the gross receipts from the sale of tangible personal property sold in the district. The district is prohibited from imposing any other tax measured by gross or net receipts on business, an ad valorem tax, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of the voters voting on the proposition who reside in the State of California in accordance with the laws that apply within that state and approval of the voters voting on the proposition who reside in the State of Nevada in accordance with the laws that apply within that state. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

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

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

## **ARTICLE X. Miscellaneous**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 6.** 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 ~~{7}~~ *seven members as follows:*

(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 appointed by the}~~ *The* Governor of Nevada ~~[, the Secretary of State of Nevada]~~ or a designee of the ~~{Secretary of State, and the Director}~~ *Governor.*

(c) *The Secretary of State or a designee of the Secretary of State.*

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

(e) *The Administrator of the Division of State Lands* of the State Department of Conservation and Natural Resources ~~{of Nevada}~~ or a designee of the ~~{Director}~~ *Administrator.*

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

~~{(e) 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.}~~

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 or her economic interests in the region within 10 days after taking the seat on the governing body or being employed by the Agency and shall thereafter disclose any further economic interest which he or she acquires, as soon as feasible after acquiring 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 in which the member or employee knows or has reason to know he or she 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.

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

278.794 The terms of office of the members of the governing body ~~[, other than the member appointed by the other members,]~~ :

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

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

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

2       218E.550 As used in NRS 218E.550 to 218E.580, inclusive, unless the  
3 context otherwise requires, "Committee" means the Legislative Committee for the  
4 Review and Oversight of the *Nevada* Tahoe Regional Planning Agency and the  
5 Marlette Lake Water System created by NRS 218E.555.

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

7       218E.555 1. There is hereby created the Legislative Committee for the  
8 Review and Oversight of the *Nevada* Tahoe Regional Planning Agency and the  
9 Marlette Lake Water System consisting of three members of the Senate and three  
10 members of the Assembly, appointed by the Legislative Commission with  
11 appropriate regard for their experience with and knowledge of matters relating to  
12 the management of natural resources. The members must be appointed to provide  
13 representation from the various geographical regions of the State.

14       2. The Legislative Commission shall review and approve the budget and work  
15 program for the Committee and any changes to the budget or work program.

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

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

23       5. Vacancies on the Committee must be filled in the same manner as original  
24 appointments.

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

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

28       218E.565 The Committee shall:

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

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

35       3. Study the role, authority and activities of:

36       (a) The *Nevada* Tahoe Regional Planning Agency regarding the Lake Tahoe  
37 Basin; and

38       (b) The Marlette Lake Water System regarding Marlette Lake. ~~[-; and  
39 — 4. Continue to communicate with members of the Legislature of the State of  
40 California to achieve the goals set forth in the Tahoe Regional Planning Compact.]~~

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

42       321.5952 The Legislature hereby finds and declares that:

43       1. The Lake Tahoe Basin exhibits unique environmental and ecological  
44 conditions that are irreplaceable.

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

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

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

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

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

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

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

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

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

(c) For each form issued to a fleet station .....6

2. Except as otherwise provided in subsections 6, 7 and 8, and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

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

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

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

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

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

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

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

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

6. The Department of Motor Vehicles shall by regulation establish a program to award grants of money in the Pollution Control Account to local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air

quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The grants to agencies in a county pursuant to this subsection must be made from any excess money in the Pollution Control Account. As used in this subsection, "excess money" means the money in excess of \$1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2.

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

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

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

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

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

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

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

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

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

(b) The Governor;

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

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

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

(a) The status of:

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

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

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

(b) Compliance with:

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

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

(c) Any efforts to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Land located within the following administrative groundwater basins established by the United States Geological Survey and the Division of Water Resources of the State Department of Conservation and Natural Resources:

(1) Basin 22 (San Emidio Desert);

(2) Basin 23 (Granite Basin); and

(3) Basin 24 (Hualapai Flat); and

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

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

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

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

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

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

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

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

*whichever is earlier.*

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

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

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

Sec. 4. 1. This section ~~and section 3 of this act become~~ *becomes* effective upon passage and approval.

2. Section 1 of this act ~~is~~:

~~—(a) Becomes~~ *becomes* effective upon ~~proclamation by the governor of this state or~~ the enactment by the State of California of amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act. ~~Unless the amendments proposed to the Tahoe Regional Planning Compact by chapter 22, Statutes of Nevada 1987, at page 28, have been approved by the Congress of the United States before the governor issues his proclamation; and~~

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

~~3. Section 2 of this act becomes effective upon proclamation by the governor of this state of:~~

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

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

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

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

3. NRS 277.220 is repealed effective upon:

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

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

**Sec. 19.** Except as otherwise provided in NRS 278.792 as amended by section 6 of this act, the governing body, officers, advisory planning commission,

1 executive officer, staff and legal counsel elected or appointed pursuant to NRS  
2 278.780 to 278.828, inclusive, shall remain in their respective offices with the  
3 Nevada Tahoe Regional Planning Agency after the withdrawal of the State of  
4 Nevada from the Tahoe Regional Planning Compact and until the expiration of  
5 their terms, termination by the appointing authority or forfeiture of office.

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

10 (a) The permit or approval remains valid after that date; and

11 (b) The Nevada Tahoe Regional Planning Agency shall assume the  
12 responsibility of enforcing the conditions, if any, of the approval or permit.

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

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

22 1. In which the Tahoe Regional Planning Agency is a party; and

23 2. Which involves the rights, interests, obligations or liabilities of the State of  
24 Nevada, residents of this State or the Nevada Tahoe Regional Planning Agency.

25 **Sec. 21.** As soon as practicable after the date on which the State of Nevada  
26 withdraws from the Tahoe Regional Planning Compact:

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

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

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

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

37 1. Adopt a regional plan pursuant to its authority set forth in NRS 278.811.

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

40 **Sec. 22.5.** 1. In addition to exercising the powers and performing the duties  
41 set forth in NRS 218E.550 to 218E.580, inclusive, the Committee shall hold  
42 hearings on, and prepare for the Legislature a report concerning, the following  
43 matters:

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

48 (b) A proposed schedule for the Nevada Tahoe Regional Planning Agency to  
49 adopt a regional plan and ordinances as necessary for that entity to assume the  
50 powers and duties of the Tahoe Regional Planning Agency for the portion of the  
51 Lake Tahoe Basin within the State of Nevada.

52 (c) The proposed annual budget, including, without limitation, estimated legal  
53 expenses, of the Nevada Tahoe Regional Planning Agency which would be

1 necessary for that entity to assume the powers and duties of the Tahoe Regional  
2 Planning Agency for the portion of the Lake Tahoe Basin within the State of  
3 Nevada.

4 (d) An assessment of any potential:

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

8 (2) Legal expenses, including, without limitation, litigation expenses,  
9 which would likely be incurred,

10 ➤ in the event that the State of Nevada withdraws from the Tahoe Regional  
11 Planning Compact.

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

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

17 (2) Concurrence from the Executive Branches of State Government of the  
18 States of Nevada and California with respect to guiding principles and a schedule  
19 for amending the regional plan.

20 (f) ~~Progress toward approving the amendments;~~ An analysis of any changes  
21 necessary to the Tahoe Regional Planning Compact ~~[set forth in section 1.5 of this~~  
22 ~~act], including, without limitation;~~

23 (1) Potential changes to the voting structure of the governing body of  
24 the Tahoe Regional Planning Agency;

25 (2) Potential changes that will allow the regional plan to consider  
26 economic issues; and

27 (3) Potential changes to the procedures for legal actions against the  
28 governing body of the Tahoe Regional Planning Agency.

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

32 3. The Committee shall determine whether the State of Nevada should  
33 remain a party to the Tahoe Regional Planning Compact. If the Committee so  
34 determines, the Committee shall forward a bill draft request that would repeal  
35 section 1 and other related sections of this act to the Director of the Legislative  
36 Counsel Bureau for transmission to the 77th Session of the Nevada  
37 Legislature. The Committee may also consider submitting one or more  
38 additional bill draft requests that contain:

39 (a) Recommendations for changes to the Tahoe Regional Planning  
40 Compact deemed to be necessary by the Committee; and

41 (b) Any other changes to law relating to the Tahoe Regional Planning  
42 Compact deemed to be necessary by the Committee.

43 4. The Committee shall consider any ongoing discussions with California,  
44 the Federal Government and any other interested parties in evaluating  
45 potential changes to the Tahoe Regional Planning Compact.

46 5. The Committee shall vote to appoint a delegation from among its  
47 members, consisting of one member of the Senate and two members of the  
48 Assembly, representing at least one member from each party. The delegation  
49 must be tasked with discussing possible changes to the Tahoe Regional  
50 Planning Compact with a like delegation from the California Legislature. The  
51 delegation must submit a report of its findings to the Committee not later than  
52 the final date on which the Committee will meet.

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

4 **Sec. 23.** 1. The Secretary of State shall transmit:

5 (a) A certified copy of this act to:

6 (1) The Governor of the State of California; and

7 (2) The governing body of the Tahoe Regional Planning Agency.

8 (b) Two certified copies of this act to the Secretary of State of California for  
9 delivery to the respective Houses of its Legislature.

10 2. The Director of the Legislative Counsel Bureau shall transmit copies of  
11 section 1.5 of this act to each public officer, agency or other entity that he or she  
12 deems appropriate.

13 3. The Governor of this State, as soon as:

14 (a) The State of California has enacted amendments that are substantially  
15 identical to the amendments to the Tahoe Regional Planning Compact contained in  
16 section 1.5 of this act; and

17 (b) The amendments have been approved pursuant to Public Law 96-551,

18 ➤ shall proclaim that the compact has been amended as provided in this act.

19 **Sec. 23.5.** If all of the events described in subsection 4 of section 25 of this  
20 act have not yet taken place as of July 1, ~~2014~~ 2015, the Governor, on or after  
21 that date, but before October 1, ~~2014~~ 2015;

22 1. Shall assess whether it is likely that all of the events described in  
23 subsection 4 of section 25 of this act will take place in the reasonably foreseeable  
24 future; and

25 2. May, if the Governor determines it is likely that all of the events described  
26 in subsection 4 of section 25 of this act will take place in the reasonably foreseeable  
27 future, issue a proclamation to that effect. If the Governor issues the proclamation  
28 described in this subsection, sections 1, 2 to 22, inclusive, and 24 of this act must  
29 not become effective until October 1, 2017.

30 **Sec. 24.** The Legislative Counsel shall:

31 1. In preparing the reprint and supplements to the Nevada Revised Statutes,  
32 appropriately change any references to an officer, agency or other entity whose  
33 name is changed or whose responsibilities are transferred pursuant to the provisions  
34 of this act to refer to the appropriate officer, agency or other entity.

35 2. In preparing supplements to the Nevada Administrative Code,  
36 appropriately change any references to an officer, agency or other entity whose  
37 name is changed or whose responsibilities are transferred pursuant to the provisions  
38 of this act to refer to the appropriate officer, agency or other entity.

39 **Sec. 25.** 1. This section and sections 17.3, 17.7, 22.5, 23 and 23.5 of this  
40 act become effective upon passage and approval.

41 2. Section 22.5 of this act expires by limitation on January 1, 2013.

42 3. Section 1.5 of this act becomes effective upon proclamation by the  
43 Governor of this State of:

44 (a) The enactment by the State of California of amendments that are  
45 substantially identical to the amendments to the Tahoe Regional Planning Compact  
46 contained in section 1.5 of this act; and

47 (b) The approval of the amendments to the Tahoe Regional Planning Compact  
48 contained in section 1.5 of this act pursuant to Public Law 96-551.

49 4. Except as otherwise provided in subsection 5, sections 1, 2 to 22, inclusive,  
50 and 24 of this act become effective on October 1, ~~2014~~ 2015, unless, by that date,  
51 all of the following events have occurred:

(a) The State of California has enacted amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act;

(b) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act have been approved pursuant to Public Law 96-551; 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, 2017.

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

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**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.