

SENATE BILL NO. 229—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 11, 2013

Referred to Committee on Natural Resources

SUMMARY—Contingently amends and repeals the Tahoe Regional Planning Compact and the provisions of Senate Bill No. 271 of the 2011 Session. (BDR 22-726)

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

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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; contingently amending and repealing certain provisions of the Tahoe Regional Planning Compact and provisions providing for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances and various matters relating to that withdrawal; 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 bistrate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220)

Senate Bill No. 271 of the 2011 Session (SB271) requires the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact on October 1, 2015, unless, by that date, an amendment to the Compact proposed by SB271 has been adopted by the State of California and approved pursuant to federal law, and the governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan. SB271 authorizes the Governor, under certain circumstances, to postpone that withdrawal date until October 1, 2017. (Chapter 530, Statutes of Nevada 2011, p. 3710)

This bill repeals certain provisions of SB271 upon enactment by the State of California of legislation that is effective on or before January 1, 2014, which: (1) adopts amendments to the Compact that are substantially identical to the amendments contained in section 1.5 of SB271, as amended by **section 2** of this bill; (2) agrees to cooperate with the State of Nevada in seeking to have those changes to the Compact approved by Congress; (3) adopts amendments to the Compact substantially identical to the amendments contained in **section 1** of this



* S B 2 2 9 R 1 *

bill relating to the duty of the Tahoe Regional Planning Agency to take certain actions in accordance with the Compact and the regional plan and placing the burden of proof on the party challenging the regional plan or an act taken or decision made by the Agency pursuant to the Compact or the regional plan to show that the plan, act or decision is not in conformance with those requirements; (4) finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and (5) acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State.

Section 2 of this bill revises SB271 to remove the proposed amendments to the Compact regarding the voting structure of the governing body of the Tahoe Regional Planning Agency and the burden of proof.

If the State of California does not enact such legislation on or before January 1, 2014, the provisions of this bill expire and SB271 remains in effect.

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

Section 1. 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



* S B 2 2 9 R 1 *

1 East, M.D.B. & M. The region defined and described herein shall be
2 as precisely delineated on official maps of the agency.

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

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

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

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

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

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

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

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

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

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

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



* S B 2 2 9 R 1 *

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

ARTICLE III. Organization

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

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

(1) California delegation:

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

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

(2) Nevada delegation:

(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 shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member 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. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph 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 of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada



* S B 2 2 9 R 1 *

1 shall make such an appointment. The member appointed pursuant to
2 this subparagraph may, but is not required to, be a resident of the
3 region within the State of Nevada.

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

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

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

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

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

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

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

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

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



* S B 2 2 9 R 1 *

1 in some other manner specifically provided, shall be paid by the
2 agency out of its own funds.

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

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

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

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

31 (g) Four of the members of the governing body from each state
32 constitute a quorum for the transaction of the business of the
33 agency. The voting procedures shall be as follows:

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

44 (2) For approving a project, the affirmative vote of at least five
45 members from the state in which the project is located and the



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

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

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

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



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

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

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

12 A majority of the members of the advisory planning commission
13 constitutes a quorum for the transaction of the business of the
14 commission. A majority vote of the quorum present shall be
15 required to take action with respect to any matter.

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

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

27 28 **ARTICLE IV. Personnel** 29

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

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



1 and regulations governing personnel assigned under
2 intergovernmental agreements.

3 (c) The agency may establish and maintain or participate in such
4 additional programs of employee benefits as may be appropriate to
5 afford employees of the agency terms and conditions of employment
6 similar to those enjoyed by employees of California and Nevada
7 generally.
8

9 **ARTICLE V. Planning**
10

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

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

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

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

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

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

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



1 date of the amendments to this compact, the agency shall adopt
2 environmental threshold carrying capacities for the region.

3 (c) Within 1 year after the adoption of the environmental
4 threshold carrying capacities for the region, the agency shall amend
5 the regional plan so that, at a minimum, the plan and all of its
6 elements, as implemented through agency ordinances, rules and
7 regulations, achieves and maintains the adopted environmental
8 threshold carrying capacities. Each element of the plan shall contain
9 implementation provisions and time schedules for such
10 implementation by ordinance. The planning commission and
11 governing body shall continuously review and maintain the regional
12 plan. The regional plan shall consist of a diagram, or diagrams, and
13 text, or texts setting forth the projects and proposals for
14 implementation of the regional plan, a description of the needs and
15 goals of the region and a statement of the policies, standards and
16 elements of the regional plan.

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

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

24 (2) A transportation plan for the integrated development of a
25 regional system of transportation, including but not limited to
26 parkways, highways, transportation facilities, transit routes,
27 waterways, navigation facilities, public transportation facilities,
28 bicycle facilities, and appurtenant terminals and facilities for the
29 movement of people and goods within the region. The goal of
30 transportation planning shall be:

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

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

36 ➤ Where increases in capacity are required, the agency shall give
37 preference to providing such capacity through public transportation
38 and public programs and projects related to transportation. The
39 agency shall review and consider all existing transportation plans in
40 preparing its regional transportation plan pursuant to this paragraph.

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

43 The plan shall give consideration to:

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



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

(C) Utilization of a transit terminal in the Kingsbury Grade area. ➔ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

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

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

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

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

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

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

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the



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

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

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

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

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

39 40 ARTICLE VI. Agency's Powers

41
42 (a) The governing body shall adopt all necessary ordinances,
43 rules, and regulations to effectuate the adopted regional plan. Except
44 as otherwise provided in this compact, every such ordinance, rule or
45 regulation shall establish a minimum standard applicable throughout



1 the region. Any political subdivision or public agency may adopt
2 and enforce an equal or higher requirement applicable to the same
3 subject of regulation in its territory. The regulations of the agency
4 shall contain standards including but not limited to the following:
5 water purity and clarity; subdivision; zoning; tree removal; solid
6 waste disposal; sewage disposal; land fills, excavations, cuts and
7 grading; piers, harbors, breakwaters or channels and other shoreline
8 developments; waste disposal in shoreline areas; waste disposal
9 from boats; mobile-home parks; house relocation; outdoor
10 advertising; floodplain protection; soil and sedimentation control;
11 air pollution; and watershed protection. Whenever possible without
12 diminishing the effectiveness of the regional plan, the ordinances,
13 rules, regulations and policies shall be confined to matters which are
14 general and regional in application, leaving to the jurisdiction of the
15 respective states, counties and cities the enactment of specific and
16 local ordinances, rules, regulations and policies which conform to
17 the regional plan.

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

22 Every ordinance adopted by the agency shall be published at
23 least once by title in a newspaper or combination of newspapers
24 whose circulation is general throughout the region. Except an
25 ordinance adopting or amending the regional plan, no ordinance
26 shall become effective until 60 days after its adoption. Immediately
27 after its adoption, a copy of each ordinance shall be transmitted to
28 the governing body of each political subdivision having territory
29 within the region.

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

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

41 Before adoption by the agency of the ordinances required in
42 subdivision (g) of Article V, the agency may approve a project in
43 the region only after making written findings on the basis of
44 substantial evidence in the record that the project is consistent with
45 the regional plan then in effect and with applicable plans,



* S B 2 2 9 R 1 *

ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

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

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

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

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

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

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



* S B 2 2 9 R 1 *

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

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

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

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

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

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

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

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

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional



* S B 2 2 9 R 1 *

1 continuous lanes for automobiles until the regional transportation
2 plan is revised and adopted.

3 The moratorium imposed by this subdivision does not apply to
4 the construction of any parking garage which has been approved by
5 the agency prior to May 4, 1979, whether that approval was
6 affirmative or by default. The provisions of this paragraph are not an
7 expression of legislative intent that any such parking garage, the
8 approval of which is the subject of litigation which was pending on
9 the effective date of the amendments to this compact, should or
10 should not be constructed. The provisions of this paragraph are
11 intended solely to permit construction of such a parking garage if a
12 judgment sustaining the agency's approval to construct that parking
13 garage has become final and no appeal is pending or may lawfully
14 be taken to a higher court.

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

21 (1) Every structure housing gaming under a nonrestricted license
22 which existed as a licensed gaming establishment on May 4, 1979,
23 or whose construction was approved by the Tahoe Regional
24 Planning Agency affirmatively or deemed approved before that date.
25 The construction or use of any structure to house gaming under a
26 nonrestricted license not so existing or approved, or the enlargement
27 in cubic volume of any such existing or approved structure is
28 prohibited.

29 (2) Every other nonrestricted gaming establishment whose use
30 was seasonal and whose license was issued before May 4, 1979, for
31 the same season and for the number and type of games and slot
32 machines on which taxes or fees were paid in the calendar year
33 1978.

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

37 ➡ The area within any structure housing gaming under a
38 nonrestricted license which may be open to public use (as distinct
39 from that devoted to the private use of guests and exclusive of any
40 parking area) is limited to the area existing or approved for public
41 use on May 4, 1979. Within these limits, any external modification
42 of the structure which requires a permit from a local government
43 also requires approval from the agency. The agency shall not permit
44 restaurants, convention facilities, showrooms or other public areas
45 to be constructed elsewhere in the region outside the structure in



* S B 2 2 9 R 1 *

1 order to replace areas existing or approved for public use on May 4,
2 1979.

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

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

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

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

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

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

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

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

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

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

41 (3) Internal modification, remodeling, change in use or repair of
42 areas open to public use within a structure housing gaming under a
43 nonrestricted license which alone or in combination with any other
44 such modification, remodeling, change in use or repair will increase
45 the total portion of those areas which is actually used for gaming by



* S B 2 2 9 R 1 *

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

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

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

20 (A) The location of its external walls;

21 (B) Its total cubic volume;

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

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

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

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

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

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

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

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



* S B 2 2 9 R 1 *

1 (1) This subdivision applies to:

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

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

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

8 ➔ Such legal actions may be filed and the provisions of this
9 subdivision apply equally in the appropriate courts of California and
10 Nevada and of the United States.

11 (2) Venue lies:

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

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

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

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

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



1 In making such a determination the court shall not exercise its
2 independent judgment on evidence but shall only determine whether
3 the act or decision was supported by substantial evidence in light of
4 the whole record. In any legal action filed pursuant to this
5 subdivision which challenges a legislative act or decision of the
6 agency (such as the adoption of the regional plan and the enactment
7 of implementing ordinances), the scope of the judicial inquiry shall
8 extend only to the questions of whether the act or decision has been
9 arbitrary, capricious or lacking substantial evidentiary support or
10 whether the agency has failed to proceed in a manner required by
11 law.

12 (6) *In addition to the provisions of paragraph (5) relating to*
13 *judicial inquiry:*

14 (A) *When adopting or amending a regional plan, the agency*
15 *shall act in accordance with the requirements of the compact and*
16 *the implementing ordinances, rules and regulations, and a party*
17 *challenging the regional plan has the burden of showing that the*
18 *regional plan is not in conformance with those requirements.*

19 (B) *When taking an action or making a decision, the agency*
20 *shall act in accordance with the requirements of the compact and*
21 *the regional plan, including the implementing ordinances, rules*
22 *and regulations, and a party challenging the action or decision*
23 *has the burden of showing that the act or decision is not in*
24 *conformance with those requirements.*

25 (7) The provisions of this subdivision do not apply to any legal
26 proceeding pending on the date when this subdivision becomes
27 effective. Any such legal proceeding shall be conducted and
28 concluded under the provisions of law which were applicable prior
29 to the effective date of this subdivision.

30 ~~(7)~~ (8) The security required for the issuance of a temporary
31 restraining order or preliminary injunction based upon an alleged
32 violation of this compact or any ordinance, plan, rule or regulation
33 adopted pursuant thereto is governed by the rule or statute
34 applicable to the court in which the action is brought, unless the
35 action is brought by a public agency or political subdivision to
36 enforce its own rules, regulations and ordinances in which case no
37 security shall be required.

38 (k) The agency shall monitor activities in the region and may
39 bring enforcement actions in the region to ensure compliance with
40 the regional plan and adopted ordinances, rules, regulations and
41 policies. If it is found that the regional plan, or ordinances, rules,
42 regulations and policies are not being enforced by a local
43 jurisdiction, the agency may bring action in a court of competent
44 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



1 environmental design arts in planning and in decision making which
2 may have an impact on man's environment;

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

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

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

10 (C) Alternatives to the proposed project;

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

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

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

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

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

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

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

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

41 (c) Any environmental impact statement required pursuant to
42 this article need not repeat in its entirety any information or data
43 which is relevant to such a statement and is a matter of public record
44 or is generally available to the public, such as information contained
45 in an environmental impact report prepared pursuant to the



* S B 2 2 9 R 1 *

1 California Environmental Quality Act or a federal environmental
2 impact statement prepared pursuant to the National Environmental
3 Policy Act of 1969. However, such information or data shall be
4 briefly described in the environmental impact statement and its
5 relationship to the environmental impact statement shall be
6 indicated.

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

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

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

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

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

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

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

38 39 **ARTICLE VIII. Finances**

40
41 (a) On or before September 30 of each calendar year the agency
42 shall establish the amount of money necessary to support its
43 activities for the next succeeding fiscal year commencing July 1 of
44 the following year. The agency shall apportion \$75,000 of this
45 amount among the counties within the region on the same ratio to



* S B 2 2 9 R 1 *

1 the total sum required as the full cash valuation of taxable property
2 within the region in each county bears to the total full cash valuation
3 of taxable property within the region. In addition, each county
4 within the region in California shall pay \$18,750 to the agency and
5 each county within the region in Nevada, including Carson City,
6 shall pay \$12,500 to the agency, from any funds available therefor.
7 The State of California and the State of Nevada may pay to the
8 agency by July 1 of each year any additional sums necessary to
9 support the operations of the agency pursuant to this compact. If
10 additional funds are required, the agency shall make a request for
11 the funds to the states of California and Nevada. Requests for state
12 funds must be apportioned two-thirds from California and one-third
13 from Nevada. Money appropriated shall be paid within 30 days.

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

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

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

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

31 32 **ARTICLE IX. Transportation District**

33
34 (a) The Tahoe transportation district is hereby established as a
35 special purpose district. The boundaries of the district are
36 coterminous with those of the region.

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

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

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

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

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



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

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

➤ Any director may designate an alternate.

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

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

(3) 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.

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

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

(6) 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. The district is prohibited from
imposing an ad valorem tax, a tax measured by gross or net receipts
on business, 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 two-thirds of the voters voting on the proposition.
The revenues from any such tax must be used for the service for
which it was imposed, and for no other purpose.

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

(e) 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



1 thereof. Except as provided in subdivision (c), the provisions of this
2 compact shall be severable and if any phrase, clause, sentence or
3 provision of this compact is declared to be contrary to the
4 constitution of any participating state or of the United States or the
5 applicability thereof to any government, agency, person or
6 circumstance is held invalid, the validity of the remainder of this
7 compact and the applicability thereof to any government, agency,
8 person or circumstance shall not be affected thereby. If this compact
9 shall be held contrary to the constitution of any state participating
10 therein, the compact shall remain in full force and effect as to the
11 remaining state and in full force and effect as to the state affected as
12 to all severable matters.

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

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

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

27 **Sec. 2.** Section 1.5 of chapter 530, Statutes of Nevada 2011, at
28 page 3711, is hereby amended to read as follows:

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

31 277.200 The Tahoe Regional Planning Compact is as
32 follows:

33 **Tahoe Regional Planning Compact**

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

35 (a) It is found and declared that:

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

40 (2) The public and private interests and investments in
41 the region are substantial.
42
43
44



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

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

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

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

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

ARTICLE III. Organization

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

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

(1) California delegation:

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

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the



* S B 2 2 9 R 1 *

1 Assembly of California and one member appointed by the
2 Senate Rules Committee of the State of California. The
3 members appointed pursuant to this subparagraph shall not be
4 residents of the region and shall represent the public at large
5 within the State of California.

6 (2) Nevada delegation:

7 (A) One member appointed by each of the boards of
8 county commissioners of Douglas and Washoe counties and
9 one member appointed by the board of supervisors of Carson
10 City. Any such member may be a member of the board of
11 county commissioners or board of supervisors, respectively,
12 and shall reside in the territorial jurisdiction of the
13 governmental body making the appointment.

14 (B) One member appointed by the governor of Nevada,
15 the secretary of state of Nevada or his designee, and the
16 director of the state department of conservation and natural
17 resources of Nevada or his designee. Except for the secretary
18 of state and the director of the state department of
19 conservation and natural resources, the members or designees
20 appointed pursuant to this subparagraph shall not be residents
21 of the region. All members appointed pursuant to this
22 subparagraph shall represent the public at large within the
23 State of Nevada.

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

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

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



* S B 2 2 9 R 1 *

(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 board 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 paragraph, "economic interests" means:

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

(B) Any real property located in the region in which the member or employee 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 or employee is a director, officer, partner, trustee, employee or holds any position of management.

➤ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic 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 interests of the member or employee.

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

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



* S B 2 2 9 R 1 *

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given 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. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to 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 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:

(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 members of each state agreeing with the vote of at least four members of the other state shall be required 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, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five 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, 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 state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom



* S B 2 2 9 R 1 *

1 shall be residents of the region. Any official member may
2 designate an alternate.

3 The term of office of each lay member of the advisory
4 planning commission shall be 2 years. Members may be
5 reappointed.

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

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

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

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

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

32 33 **ARTICLE IV. Personnel**

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

42 (b) Agency personnel standards and regulations shall
43 conform insofar as possible to the regulations and procedures
44 of the civil service of the State of California or the State of
45 Nevada, as may be determined by the governing body of the



1 agency; and shall be regional and bistrate in application and
2 effect; provided that the governing body may, for
3 administrative convenience and at its discretion, assign the
4 administration of designated personnel arrangements to an
5 agency of either state, and provided that administratively
6 convenient adjustments be made in the standards and
7 regulations governing personnel assigned under
8 intergovernmental agreements.

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

14 15 **ARTICLE V. Planning**

16
17 (a) In preparing each of the plans required by this article
18 and each amendment thereto, if any, subsequent to its
19 adoption, the planning commission after due notice shall hold
20 at least one public hearing which may be continued from time
21 to time, and shall review the testimony and any written
22 recommendations presented at such hearing before
23 recommending the plan or amendment. The notice required
24 by this subdivision shall be given at least 20 days prior to the
25 public hearing by publication at least once in a newspaper or
26 combination of newspapers whose circulation is general
27 throughout the region and in each county a portion of whose
28 territory lies within the region.

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

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

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

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

44 ➤ the governing body shall complete its action on such
45 amendment within 180 days after such request is accepted as



* S B 2 2 9 R 1 *

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



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

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

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

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

The plan shall give consideration to:

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

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

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

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

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

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

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

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region,



* S B 2 2 9 R 1 *

1 the plans and planning activities of the state, federal and other
2 public agencies and nongovernmental agencies and
3 organizations which affect or are concerned with planning
4 and development within the region.

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

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

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

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

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



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

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

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

ARTICLE VI. Agency's Powers

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



* S B 2 2 9 R 1 *

1 enactment of specific and local ordinances, rules, regulations
2 and policies which conform to the regional plan.

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

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

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

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

28 Before adoption by the agency of the ordinances required
29 in subdivision (g) of Article V, the agency may approve a
30 project in the region only after making written findings on the
31 basis of substantial evidence in the record that the project is
32 consistent with the regional plan then in effect and with
33 applicable plans, ordinances, regulations, and standards of
34 federal and state agencies relating to the protection,
35 maintenance and enhancement of environmental quality in
36 the region.

37 (c) The legislatures of the states of California and Nevada
38 find that in order to make effective the regional plan as
39 revised by the agency, it is necessary to halt temporarily
40 works of development in the region which might otherwise
41 absorb the entire capability of the region for further
42 development or direct it out of harmony with the ultimate
43 plan. Subject to the limitation provided in this subdivision,
44 from the effective date of the amendments to this compact



* S B 2 2 9 R 1 *

until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

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

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

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

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

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

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar



year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

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

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

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

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

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

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

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

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



1 The moratorium imposed by this subdivision does not
2 apply to the construction of any parking garage which has
3 been approved by the agency prior to May 4, 1979, whether
4 that approval was affirmative or by default. The provisions of
5 this paragraph are not an expression of legislative intent that
6 any such parking garage, the approval of which is the subject
7 of litigation which was pending on the effective date of the
8 amendments to this compact, should or should not be
9 constructed. The provisions of this paragraph are intended
10 solely to permit construction of such a parking garage if a
11 judgment sustaining the agency's approval to construct that
12 parking garage has become final and no appeal is pending or
13 may lawfully be taken to a higher court.

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

21 (1) Every structure housing gaming under a nonrestricted
22 license which existed as a licensed gaming establishment on
23 May 4, 1979, or whose construction was approved by the
24 Tahoe Regional Planning Agency affirmatively or deemed
25 approved before that date. The construction or use of any
26 structure to house gaming under a nonrestricted license not so
27 existing or approved, or the enlargement in cubic volume of
28 any such existing or approved structure is prohibited.

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

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

37 ↳ The area within any structure housing gaming under a
38 nonrestricted license which may be open to public use (as
39 distinct from that devoted to the private use of guests and
40 exclusive of any parking area) is limited to the area existing
41 or approved for public use on May 4, 1979. Within these
42 limits, any external modification of the structure which
43 requires a permit from a local government also requires
44 approval from the agency. The agency shall not permit
45 restaurants, convention facilities, showrooms or other public



1 areas to be constructed elsewhere in the region outside the
2 structure in order to replace areas existing or approved for
3 public use on May 4, 1979.

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

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

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

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

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

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

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

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

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

41 (2) Except as provided in paragraph (3), internal
42 modification, remodeling, change in use or repair of a
43 structure housing gaming under a nonrestricted license is not
44 a project and does not require the review or approval of the
45 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.



* S B 2 2 9 R 1 *

(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.

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

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

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

(2) Venue lies:

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

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

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



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

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

(6) In addition to the provisions of paragraph (5) relating to judicial inquiry:

(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.

(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.

(7) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be



* S B 2 2 9 R 1 *

1 conducted and concluded under the provisions of law which
2 were applicable prior to the effective date of this subdivision.

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

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

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

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

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

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

43 (p) Approval by the agency of any project expires 3 years
44 after the date of final action by the agency or the effective
45 date of the amendments to this compact, whichever is later,



1 unless construction is begun within that time and diligently
2 pursued thereafter, or the use or activity has commenced. In
3 computing the 3-year period any period of time during which
4 the project is the subject of a legal action which delays or
5 renders impossible the diligent pursuit of that project shall not
6 be counted. Any license, permit or certificate issued by the
7 agency which has an expiration date shall be extended by that
8 period of time during which the project is the subject of such
9 legal action as provided in this subdivision.

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

15 **ARTICLE VII. Environmental Impact Statements**

16
17
18 (a) The Tahoe Regional Planning Agency when acting
19 upon matters that have a significant effect on the environment
20 shall:

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

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

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

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

34 (C) Alternatives to the proposed project;

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

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

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

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

44 (3) Study, develop and describe appropriate alternatives
45 to recommended courses of action for any project which



* S B 2 2 9 R 1 *

1 involves unresolved conflicts concerning alternative uses of
2 available resources;

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

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

9 (b) Prior to completing an environmental impact
10 statement, the agency shall consult with and obtain the
11 comments of any federal, state or local agency which has
12 jurisdiction by law or special expertise with respect to any
13 environmental impact involved. Copies of such statement and
14 the comments and views of the appropriate federal, state and
15 local agencies which are authorized to develop and enforce
16 environmental standards shall be made available to the public
17 and shall accompany the project through the review
18 processes. The public shall be consulted during the
19 environmental impact statement process and views shall be
20 solicited during a public comment period not to be less than
21 60 days.

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

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

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

43 (1) Changes or alterations have been required in or
44 incorporated into such project which avoid or reduce the



* S B 2 2 9 R 1 *

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



* S B 2 2 9 R 1 *

1 be apportioned two-thirds from California and one-third from
2 Nevada. Money appropriated shall be paid within 30 days.

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

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

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

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

22 23 **ARTICLE IX. Transportation District**

24
25 (a) The Tahoe transportation district is hereby established
26 as a special purpose district. The boundaries of the district are
27 coterminous with those of the region.

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

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

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

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

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

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

40 (6) The director of the department of transportation of the
41 State of Nevada.

42 ➡ Any director may designate an alternate.

43 (c) The vote of at least five of the directors must agree to
44 take action. If at least five votes in favor of an action are not



cast, an action of rejection shall be deemed to have been taken.

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

(3) 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.

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

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

(6) 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. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, 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 two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

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

(e) 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



* S B 2 2 9 R 1 *

1 phrase, clause, sentence or provision of this compact is
2 declared to be contrary to the constitution of any participating
3 state or of the United States or the applicability thereof to any
4 government, agency, person or circumstance is held invalid,
5 the validity of the remainder of this compact and the
6 applicability thereof to any government, agency, person or
7 circumstance shall not be affected thereby. If this compact
8 shall be held contrary to the constitution of any state
9 participating therein, the compact shall remain in full force
10 and effect as to the remaining state and in full force and effect
11 as to the state affected as to all severable matters.

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

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

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

27 **Sec. 3.** Section 18 of chapter 530, Statutes of Nevada 2011, at
28 page 3740, is hereby amended to read as follows:

29 Sec. 18. ~~H. NRS 244.153, 266.263, 267.123, 268.099,~~
30 ~~269.123, 277.190, 277.200, 277.210, 277.215, 278.025,~~
31 ~~278.826, 309.385 and 318.103 are hereby repealed.~~

32 ~~—2—~~ Sections 1 and 2 of chapter 442, Statutes of Nevada
33 1985, at pages 1257 and 1258, respectively, *and sections 2*
34 *and 3 of chapter 311, Statutes of Nevada 1997, at pages*
35 *1147 and 1169, respectively,* are hereby repealed.

36 ~~§3. NRS 277.220 is repealed effective upon:~~

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

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



Sec. 4. Section 25 of chapter 530, Statutes of Nevada 2011, at page 3743, is hereby amended to read as follows:

Sec. 25. 1. This section, ~~and~~ sections ~~17.3, 17.3,~~ 17.7, 18, 22.5 ~~and~~ 23 ~~and 23.5~~ of this act become effective upon passage and approval.

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

3. Section 1.5 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 1.5 of this act; and

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

~~4. Except as otherwise provided in subsection 5, sections 1, 2 to 22, inclusive, and 24 of this act become effective on October 1, 2015, unless, by that date, 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.~~

Sec. 5. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 19.5, 20, 21, 22, 23.5 and 24 of chapter 530, Statutes of Nevada 2011, at pages 3711 to 3743, inclusive, are hereby repealed.

Sec. 6. The State of Nevada hereby:

1. Agrees to cooperate with the State of California in seeking to have the changes to the Tahoe Regional Planning Compact contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act, approved by Congress;

2. Finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and



* S B 2 2 9 R 1 *

3. Acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State.

Sec. 7. If the State of California enacts legislation that is effective on or before January 1, 2014, which:

1. Adopts amendments to the Tahoe Regional Planning Compact that are substantially identical to the amendments contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act;

2. Agrees to cooperate with the State of Nevada in seeking to have the changes to the Tahoe Regional Planning Compact contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act, approved by Congress;

3. Adopts amendments to the Tahoe Regional Planning Compact substantially identical to the amendments contained in NRS 277.200, as amended by section 1 of this act;

4. Finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and

5. Acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State,

➔ the Governor of the State of Nevada shall issue a proclamation to that effect.

Sec. 8. The Secretary of State shall transmit:

1. A certified copy of this act to:

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

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

2. Two certified copies of this act to the Secretary of State of California for delivery to the respective Houses of its Legislature.

Sec. 9. 1. This section and sections 2, 6, 7 and 8 of this act become effective upon passage and approval.

2. Sections 1, 3, 4 and 5 of this act become effective on January 1, 2014, if the Governor of this State issues the proclamation described in section 7 of this act on or before that date.

3. If the Governor of this State does not issue a proclamation pursuant to section 7 of this act on or before January 1, 2014, this act expires by limitation on January 2, 2014.



* S B 2 2 9 R 1 *

**LEADLINES OF REPEALED SECTIONS
OF STATUTES OF NEVADA**

Section 2 of chapter 311, Statutes of Nevada 1997.
Section 3 of chapter 311, Statutes of Nevada 1997.
Section 1 of chapter 530, Statutes of Nevada 2011.
Section 2 of chapter 530, Statutes of Nevada 2011.
Section 3 of chapter 530, Statutes of Nevada 2011.
Section 4 of chapter 530, Statutes of Nevada 2011.
Section 5 of chapter 530, Statutes of Nevada 2011.
Section 6 of chapter 530, Statutes of Nevada 2011.
Section 7 of chapter 530, Statutes of Nevada 2011.
Section 8 of chapter 530, Statutes of Nevada 2011.
Section 9 of chapter 530, Statutes of Nevada 2011.
Section 10 of chapter 530, Statutes of Nevada 2011.
Section 11 of chapter 530, Statutes of Nevada 2011.
Section 12 of chapter 530, Statutes of Nevada 2011.
Section 13 of chapter 530, Statutes of Nevada 2011.
Section 14 of chapter 530, Statutes of Nevada 2011.
Section 15 of chapter 530, Statutes of Nevada 2011.
Section 16 of chapter 530, Statutes of Nevada 2011.
Section 17 of chapter 530, Statutes of Nevada 2011.
Section 17.3 of chapter 530, Statutes of Nevada 2011.
Section 17.7 of chapter 530, Statutes of Nevada 2011.
Section 18 of chapter 530, Statutes of Nevada 2011.
Section 19 of chapter 530, Statutes of Nevada 2011.
Section 19.5 of chapter 530, Statutes of Nevada 2011.
Section 20 of chapter 530, Statutes of Nevada 2011.
Section 21 of chapter 530, Statutes of Nevada 2011.
Section 22 of chapter 530, Statutes of Nevada 2011.
Section 22.5 of chapter 530, Statutes of Nevada 2011.
Section 23 of chapter 530, Statutes of Nevada 2011.
Section 23.5 of chapter 530, Statutes of Nevada 2011.
Section 24 of chapter 530, Statutes of Nevada 2011.
Section 25 of chapter 530, Statutes of Nevada 2011.

