The subcommittee meeting was called to order at 4:02 p.m. Senator Neal in the Chair.

MEMBERS PRESENT:
Senator Joe Neal, Chairman
Senator Wilbur Faiss
Senator Mike Sloan

OTHERS PRESENT:
Senator Norman Glaser
Senator Lawrence Jacobsen
Mr. Fred Welden, Senior Research Analyst, Legislative Council Bureau
Mr. Frank Daykin, Legislative Counsel

The subcommittee met to review and compare A.B. 503 as introduced by the Assembly, A.B. 503 as amended by the Assembly, and the California Senate Bill 82 as amended by the California Assembly, all dealing with the Tahoe Regional Planning Agency negotiated compact. Fred Welden prepared a mark-up showing the sections of each bill side-by-side.

Before the review began, Senator Sloan asked Frank Daykin for his opinion on the provision in the Assembly-amended version of A.B. 503 which parallels the Nevada Administrative Procedures Act in regard to constraints on judicial review. He asked if that is primarily patterned after the federal administrative procedures act. Mr. Daykin replied that they are closely patterned.

Senator Sloan asked Mr. Daykin if the language on lines 46 - 47 regarding a person aggrieved by a final action of the agency being entitled to judicial review would preclude future intervention by an interested public citizen organization, and is that a narrowing of standing concepts or not. Mr. Daykin replied that ordinarily a person aggrieved by the action of an agency is a person who has a direct stake in the outcome. But, he supposed that if a person or organization has intervened before the agency and been recognized as a party in the administrative proceeding in the same way it would be in the judicial proceeding, he might appeal from that action as a person aggrieved. It would turn on whether the interested group had been a party before the agency. He was not aware of any particular judicial precedent. This language, therefore, would not narrow anything established by the case law.

Senator Sloan remarked that lines 36 - 37 states "each such action shall be brought in a court sitting within the state." He asked if that language would include the federal court for the district of California if the property were in California, and the federal district court in Nevada if the property in question were in Nevada. Mr. Daykin replied that it would. The purpose of the amendment was to substitute language so that it clearly refers to state and federal court and specifies in which federal court the

action must be brought. It would not just be limited to state courts.

The subcommittee then reviewed Pages 1 - 11 of the mark-up prepared by Fred Welden and agreed to meet with the leadership to review the mark-up further.

There being no further business, the meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Eileen Wynkoop
Committee Secretary

APPROVED:

Joe Neal, Chairman

The subcommittee meeting was called to order at 2:30 p.m. Senator Neal in the Chair.

MEMBERS PRESENT:
Senator Joe Neal, Chairman
Senator Wilbur Faiss
Senator Mike Sloan

OTHERS PRESENT:
Senator Norman Glaser
Senator Lawrence Jacobsen
Mr. Fred Welden, Senior Research Analyst, Legislative Counsel Bureau
Senator John Garamendi, California State Senate
Mr. James Burns, Assistant Secretary of Resources, State of California
Mr. Mark Hite, Administrative Aid to Senator Garamendi
Assemblyman Joe Dini, District No. 38

The subcommittee completed reviewing the mark-up prepared by Fred Welden where they had left off (Page 10) from the previous subcommittee meeting (April 25th).

The meeting was in recess at 3:12 p.m. for 10 minutes to allow representatives from California to enter the meeting. Senator Neal announced that the committee would reconvene to discuss the present status of California Senate Bill 82. The California delegation consisted of Senator John Garamendi, Mr. James Burns and Mr. Mark Hite.

The meeting reconvened at 3:22 p.m.

Senator Garamendi gave some background on the California bill as it now stands. He stated that the latest reprint of California S.B. 82 was changed from the version agreed to by the governors of both states because of the negotiations between this committee, the ad hoc committee, and the California legislators. They took into account the concerns raised by the ad hoc committee about language vagueness and uncertainties, and significant policy issues. The amendments California made were mostly to gain clarification and clarity.

Page 1

Senator Garamendi stated that Article I dealing with Findings and Declarations is a statement of policy and should not be in the back of the bill. In regard to the mention of the federal role on lines 4 - 6, he felt that it is merely a statement of fact that the federal government has interests and investment in 60% of the land

in the Tahoe Basin. The rest of the language is a statement of what California wants the policy to be.

Page 3

Senator Sloan pointed out that there are conflicting definitions of "project." The Assembly-amended version of A.B. 503 clearly excluded the single-family dwelling in the definitions. Senator Garamendi responded that they felt no need for every single-family dwelling to be included, however, there are some single-family dwellings that might be substantial in and of themselves, or substantial because of their location, design or construction. Senator Sloan asked how the determination is to be made of which are to be considered. Senator Garamendi answered that in the planning process, the TRPA is given the power to provide categorical exemptions, and they could exempt all residences done in certain locations or with certain characteristics. It can also be done through the Environmental Impact Statement.

Senator Sloan asked if there would be any lag time in the interim before the body of data would be available to the single-family lot owner. He rephrased the question by asking how long he would have to wait assuming he wanted to build at the Lake. Senator Garamendi answered that if he would presently have no cause to go before the TRPA, as is the case with most single-family dwellings, he could begin as soon as he received his building permit from the county. In the interim time between the ratification by Congress and the new ordinances, there are only certain types of projects, not including single-family dwellings, that are prohibited. Therefore, a person wishing to build would fall under the existing ordinances for either California or Nevada.

Senator Sloan asked for clarification of the difference between the definitions of "criterion of environmental quality" and "environmental threshold carrying capacities." Senator Garamendi explained that they interpret the four words "environmental threshold carrying capacity" to be the environmental standard necessary to maintain the values listed in the definition and the public health and safety within the region. The 4-word definition is used to equal an environmental standard because many people involved with the negotiations have come to understand that there would be a standard against which to measure the projects and they became accustomed to using the phrase "environmental threshold" or "carrying capacity". The California version would combine the four words. Mr. Burns added that the University of California at Davis has begun teaching classes in the "environmental threshold carrying capacity" concept.

Senator Sloan asked about the definition of "public use area" which is not in either version of Nevada's bills. Senator Garamendi commented that although "public use area" is not defined in S.B. 323, California wanted to take a shot at what it should be defined as. He commented further that the whole issue of gaming needs to be negotiated further, but was confident it could be dealt with.

Page 4

Regarding this page which deals with organization, Senator Garamendi stated that California revamped their membership to put it in line with the ad hoc committee discussions. Fred Welden stated that since the last ad hoc meeting, there have been discussions regarding the membership composition in light of the 9th Circuit Court's ruling about the status of the states' liability. This committee agreed to go back to a 3-3-1 ratio and suggests California follow suit. Senator Garamendi commented that the California Assembl much preferred the 3-local, 4-state membership, and there might be some trouble backing away from that now.

With regard to the conflict of interest provision which begins at the bottom of Page 4 on line 14, Senator Garamendi felt that those provisions are a combination of California and Nevada laws. Senator Sloan suggested incorporating items B and C of the Californi bill into the statement in Nevada's bill which says that each state may provide by law the manner of disclosure and elimination. This would provide minimum requirements for eithical conduct and allow for stricter requirements. Senator Garamendi remarked that the ad hoc negotiations on this matter were not conclusive. Each state agreed that there ought to be standards so there was an attempt to use the standards from Proposition 9, but the Nevada delegation did not want to go with those straight across. Fred Welden added that there has been no agreement since then and each state has been stick ing with its own standards. However, there was no provision in Nevada's bill for members disqualifying themselves, and that is why there was a suggestion to leave each state to its own standards, except specify disqualification.

Senator Garamendi remarked that California would have no objections to the minimum standards being included, but the dis- qualification language is similar to the language in the California law which was prescribed by a vote of the people, so they would have to abide by it regardless of whether it was in the compact or not.

Page ~~6~~ 5

Senator Neal asked Senator Garamendi to explain the voting structure contained in the California bill.

Senator Garamendi explained that their bill is a simple reversal of the present voting structure. In the earliest negotiations dating back 10 years ago, both states felt very strongly about maintaining sovereignty. He feels that the dual majority maintains the sovereignty of both states. He went on to state that also implicit in the language is the fact that gambling is excluded from the purview of the TRPA, so that creates some problems. California has given the TRPA control over its side of Lake Tahoe without exclusion but Nevada has not because of the gambling issue. California is giving up C-TRPA and the control of her portion of the Lake, and in exchange they would like a voting procedure that calls for California's 4 votes to be equal to Nevada's 4 votes. He felt the dual majority provides the greatest protection to California and her views of what the Lake should be.

Senator Sloan commented that because of the reversal of the roles between the existing compact and the proposal, it could be characterized as anything but an element of maintaining sovereignty. In his personal opinion, if you give one state the right to veto what the other state wants to do, independent of what the majority or unanimous membership wants to do, it will not maintain sovereignty

Senator Garamendi replied that their problem with the simple majority is that they could lose sovereignty entirely. He felt that the voting procedure can not be looked at as a separate issue from the rest of the legislation. The rest of the bill gives the basis from which the votes and the action are determined. To say that Nevada's voting procedure is good because it allows California prior approval before it goes to the full board for a majority vote is fine in part. But it is bad in that it proposes a simple majority for the most important issue, which is the determination of the thresholds of environmental standards, plans and ordinances. Those things set the standards by which individual projects are judged. So for the crucial issue, Nevada's bill provides a simple majority which is extremely weak in the protection it affords the Lake.

Page 6

On line 6, Nevada has suggested that the four lay members be required to be residents of the region. Senator Garamendi felt that they wanted the flexibility for the TRPA to appoint from outside the region, but this is a negotiable item.

Page 8

Senator Sloan expressed his concern about the word "local" on line 20, Page 8, and asked if the federal and state air and water quality standards for the agency are presently being attained or maintained. Senator Garamendi stated that issue is keenly felt in California since the air and water quality have been the focal point of the environmental concerns. Mr. Burns stated that this provision should state "the regional plan shall provide for attainment and maintenance of " federal, state or local, whichever is strictest. The idea being that whatever governmental entity within

the Basin sees the need for having a higher quality, they should be able to attain and maintain that through the regional plan.

Fred Welden asked why the implementation plan was revised. Senator Garamendi answered that the California Assembly staff felt that this section deals with the relationship between the state and federal laws and the revised California bill allows for changes to be made in the future. He felt there should be discussion with experts on the relationships between the air and water quality laws of the state and federal governments and the way in which they interact.

Page 9

On lines 12 and 13, Senator Garamendi explained that the changes in their bill reflect the discussion in the ad hoc committee and discussions in this committee. Since S.B. 323 used the date of enactment as the effective date, California felt that is what should be written into the legislation when the "gambling" bill is merged. Fred Welden mentioned that he understood that California-TRPA is in the process of revising all of their plans and ordinances so Nevada is not sure what will be implemented. Senator Garamendi retorted that California is not sure what will be implemented by S.B. 323 either. Senator Sloan asked if S.B. 323 was signed within the next week and the effective date of that provision would be set, would California be willing to use that date in this provision. Senator Garamendi felt that should be left open for discussion.

Fred Welden felt there was a problem in that Nevada's bill called for the C-TRPA plans to be in effect until the regional plans and ordinances are adopted, or the time limit for such action has passed (2 years). Senator Garamendi stated that the issue of the flooring of the C-TRPA rules and regulations has been brought up several times. (Flooring means taking the existing C-TRPA plans and regulations and putting them into the plans and regulations for the TRPA for the California side only). California has several reasons for wanting those plans and regulations put into effect. Firstly, California felt that TRPA failed to control growth or anything else in the Basin and that is why C-TRPA came into effect. C-TRPA should be a base in the compact for the California side as far as planning is concerned. California has never agreed, nor ever will agree, to the C-TRPA plans and ordinances automatically disappearing as of a specific date. If they are to be changed, repealed or continued, it would take a vote of the TRPA. That, once again, relates to the voting procedure.

Page 10

Regarding the expansion of public services, Senator Garamendi explained that lines 7 - 13 would cover the interim time before the environmental threshold carrying capacities are determined and the plans and ordinances are adopted. There was never agreement reached with the ad hoc committee, so California wrote some language in the bill which they felt would cover the interim. It speaks to new sub-

divisions, sewage treatment plants, sewer trunk lines and highways because those are the 4 major growth-inducing infra-structures or public works so that there will be a severely limited moratorium on these 4 items.

Senator Sloan felt it would be illusory to tell the owners of lots in the Basin that they can build a home but will not have sewer trunk lines to hook up to. He questioned whether this would disallow any additional sewage treatment plants to handle the existing homes already on site to attain the water quality standards. Senator Garamendi felt the California version might preclude the construction of a single-family residence if there was no additional sewer capacity, and that is now a problem in part of the Basin. However, any project could be justified, including a freeway, if language relative to "serving the present inhabitants needs" is put in.

Page 12

Since this page deals with the gambling issue, Senator Garamendi wanted to defer any discussions until the issue can be discussed at length. He stated that California has written in some langauge which they feel is acceptable and it should not be ignored.

Page 13

Senator Sloan asked if there could be some language written into the bill which would provide a recognized procedure to be followed for litigation to be patterned after either state's or the federal administrative procedures act. Senator Garamendi hesitated to comment since he is not a lawyer. He did state that the process of judicial review is a sensitive issue to both states.

Page 15 (on page 5)

Senator Neal asked why California chose 180 days to compel the board to take action. Senator Garamendi stated that their experience indicates that is the necessary time to review Environmental Impact Statements, get public comment, and have hearings. Senator Sloan asked if there has been any thought given to deeming a project rejected if nothing happens within 180 days rather than allowing a court case to compel action. Senator Garamendi felt that would put the person proposing the project in a difficult position because the board could just sit on it. He felt it was their intent to compel action to give a person a right to have his project at least come to a vote. Assemblyman Joe Dini remarked that the Assembly felt the 180-day language would tie up the process and everybody would be in court.

Page 18

Regarding the funding levels and the apparent unwillingness of California to come up with adequate funding, Senator Sloan commented that it seemed anomalous that the people most insistent on having the most safeguards are the least willing to put in the money to make the compact work. Senator Garamendi felt that adequate money will be put in. California does not want to give its appropriation process over to the TRPA or any other agency. Assemblyman Dini stated that it was their intention to force both states to provide up-front money and to avoid the problem of the states withholding funds. Senator Garamendi stated that there is a spending procedure in Califonria that the legislature appropriates, but does not write the checks. To put this provision in the law does not guarantee the check will be written.

Senator Jacobsen mentioned that he had heard on the news that the California governor did not intend to fund TRPA. Senator Garamendi stated that every year there is a similar legislative-administrative battle, but he felt the governor does not have the power to withhold the funding. Mr. Burns stated that C-TRPA and TRPA are funded at the same level in the governor's budget for the next fiscal year. The action the governor takes on the budget will depend on the success or failure of the compact.

Senator Neal expressed the committee's appreciation and thanks to Senator Garamendi and his staff for spending the time to discuss thier bill. Senator Garamendi thanked the committee also.

There being no further business, the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Eileen Wynkoop
Committee Secretary

APPROVED:

Joe Neal, Chairman

The meeting was called to order at 5:25 p.m. Senator Neal in the Chair.

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

ABSENT: Senator Floyd Lamb

OTHERS PRESENT:
Senator James I. Gibson, Majority Leader
Senator Thomas R.C. Wilson, Assistant Majority Leader
Mr. Fred Welden, Senior Research Analyst, Legislative Counsel Bureau

Senator Neal announced that the committee would consider A.B. 503 and amendments necessary to improve the bill in preparation for a negotiated bi-state TRPA compact.

A.B. 503 - Changes structure and substantive requirements of Tahoe Regional Planning Agency.

Since Fred Welden was staff to the Ad Hoc committee, to the Assembly Committee on Government Affairs who introduced A.B. 503, and staff to this committee, he was asked to put together some recommendations which could accomplish goals for Nevada and get a compact through.

Fred Welden explained that in the handout he prepared comparing the Assembly-introduced version of A.B. 503, the Assembly-amended version of A.B. 503, and the California Assembly's version of California Senate Bill 82, he blocked out the sections he felt were advisable to pass, added some additional language, and marked out the sections he felt were not advisable. A reduced copy of that handout is attached as Exhibit A.

Page 1

On Page 1 concerning the Articles and Findings, Fred Welden explained that he marked in the same language as in the compact right now, contained in lines 4 through 16 on the left side of the page. The Assembly-amended version is recommended, which is found in the middle of the page, because it puts back in the phrase, "of resource conservation and orderly development." He suggested that be modified to be "consistent with environmental quality thresholds adopted for the region" because this would help in getting a compact through and an agreement with California.

Senator Jacobsen stated that although California Senator Garamendi stated that the changes they made were "to gain clarification and clarity", the term "environmental quality thresholds" was not clearly defined. Fred Welden stated that he had meant to use the defined term "environmental threshold carrying capacity." He personally found that the findings and declarations in the California bill were not acceptable because they are a set-up for a national recreation area and Nevada does not need to be on record with that kind of language.

Page 2

Mr. Welden explained that he marked out the California declarations and findings on this page also. The definitions are the same in both the California and Nevada bills, but he used the Nevada version because they are easier to draft from.

Page 3

Mr. Welden explained that there was no controversy on the definitions in f), g) or h). He picked up the definition of "project" in h) from the California version because later in the bill there is a section which gives the agency the authority to specify which types of projects would not have a substantial effect, and would therefore not need to be reviewed. He also used the California version's definition of (i) "environmental threshold carrying capacity" except for marking out the words "and traffic" because traffic is not an environmental parameter. The definition of "feasible" was acceptable in the California version, but the "public use area" was not because it is not used in S.B. 323.

Senator Jacobsen felt that the definition of "project" should include an exemption for single-family dwellings, as does the Assembly-amended version of A.B. 503. Senator Sloan recalled that it was Senator Garamendi's conception that most single-family dwellings would be excluded, but there might be a circumstance where a single-family dwelling causes substantial effects on the land, water, or other natural resource. Mr. Welden stated that a later provision added by the Assembly would allow the TRPA to define classes of projects they would not review so they could in some way define out whatever necessary by regulation and ordinance rather than by compact. Senator Jacobsen stated that they (TRPA) are presently questioning single-family dwellings and they are hanging their hats on the word "substantial."

Page 4

Fred Welden explained that Page 4 deals with the organization of TRPA. He suggested that both California and Nevada stay with a 3-3-1 ratio in their memberships; that is, 3 local, 3 state and 1 appointed by the other 6. The reason he suggested this is because a recent 9th Circuit Court opinion held that the state did not have liability because the TRPA was not a state entity because it had

more local members than state members. He felt it would be valuable to retain the 3-3-1 ratio rather than a 4-3 ratio in state control. Senator Sloan reminded the committee that Senator Garamendi was surprised that Nevada is attempting to amend the membership back to the way it was originally proposed (3-3-1) because California had changed their bill to a 4-3 ratio in response to Nevada's request. Senator Wilson felt the major concern to the ad hoc committee in this area was not the ratio as much as the problem of not "cutting" a decision which he felt would be provided by allowing the Governor to make an appointment in that case. He had no problem with the 3-3-1. Senator Gibson remarked that something that was not a big issue and was accepted by California should be retained so that the major differences could be narrowed down.

Mr. Welden suggested using the California language on the "economic interest" information.

Page 5

Fred Welden explained that the rest of the California language regarding "economic disclosure" and "disqualification" is recommended, and then the Nevada language on the make-up of the governing body.

Page 6

Mr. Welden explained that this page deals with the voting structure. He suggested adding in a third voting structure. He used Nevada's basic structure which would be a simple majority for regular business, and added in a statement that adoption of the statement of threshold carrying capacities, regional plans, ordinances and regulations requires a two-thirds vote for passage. Then the project section is in the form of the Nevada bill requiring a simple majority and a majority of the members in the state where the project is located. When discussing the number of votes necessary to block, it would require 5 votes to block a plan or ordinance under the two-thirds provision.

Senator Wilson stated that he felt the real defect in the straight dual majority is that either state can veto. California expresses skepticism that Nevada will be sufficiently strict, yet the dual majority on the adoption of the environmental standards gives the state a veto, so he did not follow the logic of the dual majority in every respect. His reservation is that with a two-thirds majority on adopting a meaningful environmental threshold limit, it would be possible for a small number to block a meaningful standard. On the other hand, California will accept nothing less than a dual majority. He felt that between the two, the two-thirds would be more workable, although it is not the best alternative. He felt the simple majority is the best alternative.

Continuing on Page 6 with the advisory planning commission, Fred Welden suggested adding back in the provision which was taken out of the compact that at least half of the lay members shall be residents of the region.

Page 7

On page 7 concerning Personnel, the California version has one additional sentence which legally does not have any effect, so Fred Welden suggested that version be incorporated. The Planning sections are the same.

Page 8

Fred Welden explained that the Assembly version was chosen over the California version because of the drafting style, but the content is the same. In the section on air and water quality, Mr. Welden suggested adding the words "or stricter" after the word federal, and removing the reference to the state and local standards. This would eliminate the opportunity for the California TRPA, Douglas County, or some other entity to come up with a stricter standard and make it applicable region-wide. It gives the regional agency the power to set its own standards, as long as they are within the federal guidelines.

In the second paragraph regarding the implementation plan automatically being incorporated in the regional plan, Mr. Welden suggested adding the words, "for the part of the basin for which they are approved." This would remove the opportunity for the California state implementation plan to automatically become the standard for Nevada. He also suggested changing the "shall" to "may" in the next paragraph to allow the agency to adopt measures that are more strict.

Senator Sloan asked Senator Wilson what varying standard of compliance is being put on the people at the Lake. There has been concern that they can not presently maintain or attain the existing federal and state standards. Senator Wilson asked Fred Welden if they are bound by the federal standards. Mr. Welden replied that in his judgement, they are bound by the federal standards whether it is provided in the compact or not. In some cases, Nevada has stricter standards. The way the California version was worded, the regional plan would have to take a state or local standard that was stricter.

Page 9

Fred Welden stated that he suggested accepting the California elements concerning the transportation plan, except for inserting after line 30 the Assembly-amended position that within one year after the effective date, the State of California would undertake the completion of the loop road. There are planning reasons why they should not be required to complete it, and there are other reasons which are just as valid in light of the existing plan why it should be done. The committee discussed whether the loop road issue should stand by itself or be made a part of the total transportation plan.

Page 9 Continued

Fred Welden stated that the key issue on this page is the May 1, 1979 date which is being changed in the California bill under subsection e). Discussions with Senator Garamendi about the date for the adoption of the California TRPA plans and ordinances indicated that he wanted the date to be on the effective date of the compact because all of their plans and ordinances are being dramatically revised right now. They wanted that date because of the gaming section date being on the effective date of the act, but now the date for the gaming bill will be within the next couple of days. That is why the date has been changed to May 1, 1979.

Page 10

The Nevada language at the top of the page is the same as the California language. Then in the language on public facilities, Mr. Welden tried to draw a middle of the road position by eliminating some language so that new subdivisions shall not be created and highways shall not be expanded prior to the adoption of the ordinances at the end of the planning section. Then new language is added, which is basically the same as the amendment by the Assembly, for construction or expansion of sewer treatment plants or sewage trunk lines unless essential to meet the needs of present inhabitants or projects approved. Senator Sloan suggested adding another exception to make clear that the prohibition on highways does not apply to the loop road. Fred Welden felt that might be necessary if the committee chooses to go with his suggested language.

Senator Gibson felt that the language Mr. Welden suggested would restrict further the wording the Assemlby used in regard to public services and facilities. Because they are not mentioned, schools would not be an exception. Fred Welden responded that he felt, and had intended to provide, that if schools or any other public faciltiy were not mentioned at all, they would not be restricted at all.

Senator Jacobsen asked Mr. Welden if the 3,000 lots would not be restricted. Mr. Welden replied that if they need a sewer trunk line or a sewer treatment plant, those could be built, but he felt that California would not accept this provision.

Mr. Welden further explained that he considered the statement made by Senator Garamendi that the 4 growth inducers were subdivisions sewage treatment plants, sewer trunk lines and highways. Mr. Welden's suggestion was that of the 4 growth inducers, the bill would limit 2 of them completely, and the other 2 would be limited to present inhabitants and approved projects.

Senator Gibson asked why the wording mentioned "projects approved affirmatively or by default" rather than "projects approved.' Mr. Welden answered that the discussion in the Assembly committee was there were several projects approved by default. Senator Wilson asked if permits were issued in cases where the projects were approvec

by default. Senator Jacobsen felt that the sanction was there, but not the permit. Several committee members and Fred Welden felt there were permits issued, but were not entirely positive.

Page 11

Fred Welden explained that this page deals with the remainder of the plans and ordinances section and the agency's powers. The substantive change begins in the Assembly-amended version with subsection (b) on line 8. The addition of the wording at the bottom of that provision gives the agency the authority needed to come up with a list of what is to be reviewed, and would allow them to come up with an exemption for certain single-family dwellings or whatever they deem reasonable. Anyone who does not like the exemptions can sue them because their list is not adequate, not because each single project needs to be halted.

Senator Wilson asked why the California language was changed from the Nevada Environmental Commission to N-TRPA. Mr. Welden stated that when S.B. 323 was incorporated, it changed all references to N-TRPA rather than the Environmental Commission. So every place in the bill where the Environmental Commission is mentioned must be changed to N-TRPA.

In the California version under subsection (b), Fred Welden explained that he removed the reference to the President's Council on Environmental Quality because he felt they should not be required to cooperate. He changed the two years to 18 months, and provided that the agency adopt "a comprehensive statement establishing" environmental standards for the region so that the agency would not have to adopt the one and the only standard.

In (f), Fred Welden marked out some of the language because it has been previously stated that there will be a review of every project, a regional plan, etc. It is not necessary to tie it down again and again since it just gives someone more places to shoot at.

Page 12

Fred Welden suggested removing the reference to the two years because it was basically an incentive to make sure the things referred to were carried out. He felt that it is time to eliminate the incentives, and if the provisions are not carried out within two years, the alternative is to drop out of the compact.

The remainder of that page would be exactly the same as S.B. 323, plus some technical changes.

Page 13

Fred Weldon explained that this page pertains to trials, venue and that type of information. Everything is typical jurisdictional language. Senator Sloan felt it incorporates the Administrative Procedures Act. Fred Welden assured the committee that California would object to the provision that no action be taken after 25 days from the date of the notice because they have a 3 or 4-year provision in their law. Senator Sloan felt this should be changed to provide the same time frame that is in the Nevada Administrative Procedures Act, 30 days. Senator Neal agreed.

Page 14

Mr. Welden stated that he used the California language on public works projects. He stated that in the Assembly-introduced version it stated that all public works projects would be reviewed and approved by the agency, but the Assembly amended that to state that the projects be reviewed but could be constructed as proposed anyway. It was Mr. Welden's opinion that the agency should review and approve all projects, including public works. He included the wording, "conditionally approved" in the place of "modified" in the California version.

Regarding the fines, the Assembly suggested going to $50,000, but Fred Welden felt it is not a big item. He added the Assembly-amended language about any action imposing a fine would have to be brought in the county where the violation occurred. This would be a court-imposed fine.

Senator Neal questioned if the amended language would change the venue from the state level down to the county level. He felt this would be important in terms of getting compliance. Senators Wilson and Gibson felt it would be in a state court (district court). Senator Sloan suggested the language "in the judicial district where the alleged violation occurred." Senator Gibson stated that the language provides that half the fine goes to the general fund of the county in which the violation occurs so he saw no problem. Mr. Welden mentioned that he questioned the proposal about half the money going to the general fund in the county being unconstitutional since in Nevada, all the fines have to go to the distributive school fund. Senator Gibson stated that is probably true. Senator Wilson felt that because California's law may be different, some general language should be used to make whichever is applicable govern. Mr. Welden remarked that California has accepted this langauge, so he will get a legal opinion regarding Nevada's position.

On the bottom of the page, California provided that every record be open to the Legislature. Fred Welden eliminated that provision because he felt that personnel records and other private records should have more control. He suggested the language in the Assembly-introduced version. Senator Neal pointed out the language pertains to an audit function. In that case, the auditors should be able to look at all records.

Page 15

Fred Welden explained that this page deals with voting procedure again, and the lead-off language is the same except that the number of days in the present compact is 60, the Assembly version is 90, and the California version is 180 days. He suggested using the 180 days in the introductory language, then using the Nevada provision that if no action is taken within 180 days, the project is rejected. Then the voting procedure would be a simple majority and a majority of those members in a state where the project is located.

Fred Welden explained further that the Assembly-amended version deleted the reference in line 44 to the construction being "diligently pursued." On line 45 in reference to the project being the subject of a legal action, the Assembly also deleted the phrase "the purpose of which is to prevent or modify the project." Mr. Welden felt that he could make a planning argument as well as a financial argument on either side. Senator Neal suggested that the "diligently pursued thereafter" be amended back into the bill to prevent someone from laying a few bricks at a project to meet the criteria of the 3 years and not doing anything else. Fred Welden stated that the "diligently pursued" language is typical planning language used in other areas. The Assembly deleted it because there are proposals at the Lake where there could be lawsuits filed that would attack the agency plan but not for the purpose of modifying the project. Senator Wilson asked if there is a provision that if a project is deferred by litigation, either against the project or the agency, it would extend the time allowed. Mr. Welden answered there is such a provision. Senator Wilson felt there should be a diligently pursuit requirement and the committee agreed.

On the environmental impact statement, Mr. Welden explained that he took all of the California language, except Section 2 which the ad hoc committee and this committee has been opposed to, words like "unquantified environmental amenities."

Page 16

Fred Welden proposed that the California language be retained, except to eliminate the additional reference to environmental threshold carrying capacities. The old language would suffice.

Page 17

Fred Welden explained that the California version included the language from their California Environmental Quality Act. He had a problem with the words "public interest" on line 25. He felt it would not have to be a public consideration for a project to be approved because of the other matters.

Page 18

On Finances, Fred Welden took the Assembly-introduced version. He had problems with California not specifying an amount for state payment or making the state payment mandatory. Senators Gibson and Wilson did not understand why California objects to that provision. Senator Wilson made a statement that Nevada should make sure that the payments due from Nevada be paid whether California pays or not. Presently, payments are being withheld from TRPA. The Nevada proposal would mandate a minimum payment.

Fred Welden mentioned that California objects to paying 2/3 and Nevada only paying 1/3, and asked if there could be an even split. He preliminarily agreed to that. He told the California staff that he did not feel the compact would be held up over $50,000.

Page 19

There is no provision in the bill for dropping C-TRPA. Fred Welden stated that the C-TRPA plans and ordinances are floored in on the California side. At any point, the governing body could change those by a two-thirds vote. There is no end date on that provision.

Senators Gibson and Wilson complimented Fred Welden and the Chairman on the presentation, stating it was very effective and put together well.

Senator Neal suggested the committee vote on the bill page by page.

> Senator Sloan moved that pages 1- 5 of the markup be approved for adoption.
>
> Seconded by Senator Faiss.
>
> Motion carried. (Lamb - Absent).

On Page 6, Senator Sloan suggested amending the bill back to the language as introduced, providing for a simple majority. He felt it is better procedure, and could not understand California's objections to having an affirmative vote of the majority of the members of the two states. Senator Glaser expressed his preference for the simple majority method also.

> Senator Sloan moved the original language in A.B. 503 be adopted indicating a simple majority for the purpose of constituting a quorum for the transaction of business by the agency in page 6 and that page be approved.
>
> Seconded by Senator Jacobsen.

Yeas - (4)
Nays - Neal (1)
Absent - Lamb (1)

Motion carried.

The committee agreed that they did want to make a specific exemption for the loop road on Page 10, line 8, in the California language.

Senator Glaser suggested changing the language pertaining to "an action being commenced for seeking judicial review after the expiration of 25 days" to allow 30 days.

Senator Glaser moved to adopt the amendment suggested and approve pages 7 to 13.

Seconded by Senator Sloan.

Motion carried.

Senator Neal stated that Page 14 will be adopted with the understanding that Fred Welden will check with legal counsel on whether the provision for the fine being deposited with the county and state general funds can be done in Nevada.

Senator Sloan moved the adoption of Page 14 with the instructions specified.

Seconded by Senator Glaser.

Motion carried.

Senator Jacobsen wanted to propose an additional amendment to lower the fine to $50,000 on line 40 on Page 14. Senator Neal stated that he would accept such a substitute motion to change the amount to $50,000.

Senator Jacobsen moved to adopt an amendment to lower the fine to $50,000.

Seconded by Senator Glaser.

Yeas - (2)
Nays - Neal, Sloan and Faiss (3)
Absent - Lamb (1)

Motion lost.

Senator Sloan suggested amending the language in the Assembly-amended version of A.B. 503 on Page 15 by inserting "and diligently pursued thereafter" after the word "time" on line 45. He felt it was an essential requirement to prevent a person from doing a minimum amount of work after the project had been undertaken. He remarked that there is an exception for computing the time for any legal action taken, which was broader language than either the California version or the original Assembly-introduced version. Senator Jacobsen questioned the definition of "diligently pursued" and felt that it could be too broadly applied.

Senator Sloan moved to adopt Page 15 with the amendment to insert the words "diligently pursued thereafter" in line 45.

Seconded by Senator Faiss.

Yeas - (3)
Nays - Jacobsen and Glaser (2)
Absent - Lamb (1)

Motion carried.

Senator Neal stated that he would accept a motion to approve Page 16 and 17. On Page 18, Senator Sloan suggested exploring an amendment with Legislative Counsel insuring that if one state does not pay, the other state should continue to pay and have a cause of action therefrom. Senator Neal stated that the page can be approved with the special instructions to staff.

Senator Glaser moved that Pages 16, 17, and 18 be adopted with the provision for special instructions on Page 18.

Seconded by Senator Sloan.

Motion carried.

There were no objections to Page 19.

Senator Sloan moved that Page 19 be adopted.

Seconded by Senator Faiss.

Motion carried.

Senator Neal announced that he would entertain a motion to take final action on the bill. Senators Glaser and Sloan felt that the bill should be amended and sent back to the committee for the purpose of reviewing the amendments as printed.

Senator Glaser moved that A.B. 503 be passed out of committee with the recommendation: Amend, and do pass as amended. Re-refer to the Committee on Natural Resources.

Seconded by Senator Faiss.

Motion carried.

There being no further business, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Eileen Wynkoop
Committee Secretary

APPROVED:

Joe Neal, Chairman

The following amendment was proposed by the Committee on Human Resources and Facilities:

Amendment No. 909.

Amend the bill as a whole, by deleting section 5 and renumbering sections 6 through 17 as sections 5 through 16.

Senator Keith Ashworth moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 714.

Bill read second time and ordered to third reading.

Assembly Bill No. 732.

Bill read second time and ordered to third reading.

Assembly Bill No. 738.

Bill read second time and ordered to third reading.

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 930.

Amend section 1, page 2, line 1, by deleting "development," and inserting "development [,] *consistent with environmental threshold carrying capacities adopted for the region,*".

Amend section 1, page 2, by deleting lines 44 through 50 and inserting:

"(h) "Project" means an activity undertaken by any person 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 thresholds 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.".

Amend section 1, page 3, line 5, by deleting the open bracket.

Amend section 1, page 3, line 6, by inserting an open bracket before "One".

Amend section 1, page 3, line 39, by deleting *"consists of the following delegations:"*.

Amend section 1, page 4, line 31, by inserting *"(3)"* before *"If"*.

Amend section 1, page 4, line 33, by deleting *"act"* and inserting: *"compact"*.

Amend section 1, page 4, line 36, by inserting *"(4)"* before *"The"*.

Amend section 1, page 4, by deleting lines 39 through 44 and inserting:

"(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 section, "economic interests" means:

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

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

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

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

No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has a financial interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest, as defined in sub-subparagraph (A), of the member or employee.".

Amend section 1, page 6, by deleting lines 2 and 3 and inserting:

"*States Forest Service,* and at least four lay members [each] *with an equal number from each state, at least half* of whom shall be [a resident] *residents* of the region. *Any".*

Amend section 1, page 6, line 45, by deleting "act" and inserting "[act] *compact".*

Amend section 1, page 7, line 15, by inserting after the period:

"*This provision shall not affect any liability of the agency under existing law.".*

Amend section 1, page 8, by deleting lines 5 through 9 and inserting:

"*The regional plan shall provide for attaining and maintaining federal or stricter air and water quality standards for the region.*

Provisions of federally approved state implementation plans for air and water quality which are applicable to all or part of the Lake Tahoe Basin shall automatically be incorporated into the regional plan for the part of the basin for which they are approved at such time as they are approved by the appropriate federal agency.

The agency may adopt at any time 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.".

Amend section 1, page 8, by deleting lines 16 through 19 and inserting "ulation densities [.] *and permitted uses.*".

Amend section 1, page 8, line 24, by inserting after the period: *"The State of California shall complete the Loop Road in the City of South Lake Tahoe within 1 year after the effective date of this amendatory provision.*".

Amend section 1, page 9, by deleting lines 5 through 16 and inserting:

"(c) Except for its regional transportation plan, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on May 1, 1979, 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 State of California. Any such plan, ordinance, rule or regulation may be amended or repealed by a vote in favor of such amendment or repeal. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency plans, ordinances, rules and regulations described in this paragraph shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances,".

Amend section 1, page 9, line 18, by deleting *"adopted pursuant to"* and inserting *"described in"*.

Amend section 1, page 9, line 29, by deleting "(c)" and inserting: "[(c)] *(d)*".

Amend section 1, page 9, by deleting lines 31 through 35 and inserting:

"region. *New subdivisions shall not be created and highways shall not be expanded, except as specifically provided for the Loop Road, before the agency adopts ordinances that insure that such expansion or subdivision is consistent with the regional plan amended pursuant to paragraph (d) of Article VI. Construction or expansion of sewage treatment plants and sewer trunk lines, unless essential to meet the needs of present inhabitants or of projects approved affirmatively or by default before the effective date of this amendatory provision, shall not precede the development and revision of the land-use plan pursuant to paragraph (c) of Article VI.*".

Amend section 2, page 11, line 4, by deleting *"(d), (e) and (f)"* and inserting *"(f), (g) and (h)"*.

Amend section 1, page 11, by deleting lines 13 through 37 and inserting:

"The agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making the written findings required by this paragraph or paragraph (e). Such findings shall be based upon substantial evidence in the record.

(c) The agency shall develop in cooperation with the States of California and Nevada threshold carrying capacities for the region. Within 18 months of the effective date of this amendatory provision, the agency shall adopt a comprehensive statement establishing environmental threshold carrying capacities for the region.

(d) Within 1 year of the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, implementation of the plan and all of its elements 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.

(e) The agency shall adopt ordinances prescribing specific written findings that the agency and the Nevada Tahoe regional planning commission must make prior to approving any project in the region. These findings shall relate to environmental protection and the adopted environmental threshold carrying capacities of the region. Prior to the adoption by the agency of these ordinances, the agency and the".

Amend section 1, page 11, line 44, by deleting *"(d)"* and inserting *"(f)"*.

Amend section 1, page 11, by deleting line 49 and inserting:

"and conforming use:".

Amend section 1, page 12, by deleting lines 5 through 7 and inserting:

"nonrestricted license not so existing or approved, or the enlargement in cubic volumne of any such existing or approved structure.".

Amend section 1, page 12, line 21, by inserting after the period:

"The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on the effective date of this amendatory provision.".

Amend section 1, page 12, line 22, by deleting *"(e)"* and inserting *"(g)"*.

Amend section 1, page 12, line 25, by deleting *"(f)"* and inserting *"(h)"*.

Amend section 1, page 12, line 26, by deleting *"(d) and (e)"* and inserting *"(f) and (g)"*.

Amend section 1, page 12, line 27, by inserting after the period:

"The provisions of paragraphs (f) and (g) 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.".

Amend section 1, page 12, line 28, by deleting *"(g)"* and inserting *"(i)"*.

Amend section 1, page 12, line 30, by deleting *"No"*.

Amend section 1, page 12, by deleting line 31.

Amend section 1, page 12, line 48, by deleting *"25"* and inserting *"30"*.

Amend section 1, page 13, by deleting lines 23 through 25 and inserting:

"(j) Except as otherwise provided [in paragraph (d),] *for the Loop*

Road, all public works projects shall be reviewed prior to construction and approved, *conditionally approved or rejected* by the agency *after a finding* as to the project's compliance with the [adopted] regional".

Amend section 1, page 13, line 27, by deleting *"(i)"* and inserting *"(k)"*.

Amend section 1, page 13, by deleting line 29 and inserting:

"may substantially affect [, or may specifically apply,] to the uses".

Amend section 2, page 13, line 36, by inserting an open bracket before "A".

Amend section 1, page 13, by deleting lines 37 and 38 and inserting "a department of either state shall be submitted to the"

Amend section 1, page 13, line 41, by deleting "[(e)] *(j)* The agency shall police" and inserting "(e)] *(l)* The agency shall [police] *monitor activities in the region and may bring enforcement actions in"*.

Amend section 1, page 13, by deleting line 48 and inserting:

"(m) Any person or governmental entity who violates any pro-".

Amend section 1, page 13, line 50, by deleting *"$50,000"* and inserting *"$100,000"*.

Amend section 1, page 14, line 1, by deleting *"willfully"*.

Amend section 1, page 14, by deleting lines 6 and 7 and inserting:

"If the violation occurs in California, one-half the amount of any civil fine imposed shall be deposited in the state general fund and one-half shall be deposited in the county general fund of the county in which the violation occurs. If the violation occurs in Nevada, the entire amount of any civil fine imposed shall be deposited in the state permanent school fund. Any action to".

Amend section 1, page 14, line 10, by deleting *"(l)"* and inserting *"(n)"*.

Amend section 1, page 14, line 14, by deleting *"(m)"* and inserting *"(o)"*. Amend section 1, page 14, line 24, by deleting *"(n)"* and inserting *"(p)"*.

Amend section 1, page 14, line 25, after the closed bracket by inserting *"Legislature and"*.

Amend section 1, page 14, line 28, by deleting *"(o)"* and inserting *"(q)"*.

Amend section 1, page 14, line 32, by deleting *"90"* and inserting *"180"*.

Amend section 1, page 14, by deleting line 33 and inserting:

"posal is delivered to 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 the agency does not take final action".

Amend section 1, page 14, line 34, by deleting *"90"* and inserting *"180"*.

Amend section 1, page 14, line 39, by deleting *"(g)."* and inserting *"(i)."*.

Amend section 1, page 14, by deleting *"(p)"* and inserting *"(r)"*.

Amend section 1, page 14, lines 40 and 41, by deleting *"state environmental commission of Nevada,* and inserting *"Nevada Tahoe regional planning agency,"*.

Amend section 1, page 14, line 44, by deleting *"time,"* and inserting *"time and diligently pursued thereafter,"*.

Amend section 1, page 14, line 46, by inserting after the period *"Any license, permit or certificate issued by the agency or the Nevada Tahoe regional planning 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 paragraph."*.

Amend section 1, page 14, line 50, by deleting *"(q)"* and inserting *"(s)"*.

Amend section 1, pages 15 and 16, by deleting lines 5 through 50 on page 15 and lines 1 through 20 on page 16 and inserting:

"Article VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency and the Nevada Tahoe regional planning agency when acting upon matters that affect the the region shall:

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

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

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

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

(C) Alternatives to the proposed project;

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

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

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

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

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

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

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

(b) Prior to completing an environmental impact statement, the agency or the Nevada Tahoe regional planning agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the

project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

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

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

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

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project. A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency and the Nevada Tahoe regional planning 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 or commission in preparing an environmental impact statement under this article.".

Amend section 1, page 16, line 21, by deleting *"(e)"* and inserting *"(f)"*.

Amend section 1, page 16, line 24, by deleting *"a"* and inserting *"an environmental impact"*.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Jacobsen:

Senate Bill No. 557—An Act relating to economic development revenue bonds of local governments; transferring certain duties from the state board of finance to the department of economic development; revising certain procedures and criteria to be used by the department in

reviewing projects; and providing other matters properly relating thereto.

Senator Jacobsen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Committee on Finance:

Senate Bill No. 558—An Act to amend and act entitled: "An Act relating to the University of Nevada, Las Vegas; authorizing the board of regents to agree to lease or lease to the Federal Government facilities to be acquired at the university; authorizing the issuance and sale of securities in accordance with the act and with the University Securities Law to pay for such acquisition; providing for the payment of the securities, operation and maintenance expenses and ground rent; and providing other matters properly relating thereto," approved April 11, 1975, as amended.

Senator Gibson moved that the bill be referred to the Committee on Finance.

Motion carried.

By Committee on Judiciary:

Senate Bill No. 559—An Act relating to the department of prisons; authorizing the transfer of an alien prisoner to his native country in certain circumstances; and providing other matters properly relating thereto.

Senator Close moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Committee on Transportation:

Senate Bill No. 560—An Act relating to the administration of motor vehicle laws; prohibiting the use of the files and records of the department of motor vehicles for commercial solicitation; and providing other matters properly relating thereto.

Senator Gibson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Committee on Government Affairs:

Senate Bill No. 561—An Act relating to the state legislature; requiring reports of lobbying by state and local governmental agencies; and providing other matters properly relating thereto.

Senator Gibson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 28.

Senator Gibson moved that the bill be referred to the Committee on Judiciary.

Moton carried.

Assembly Bill No. 90.

Senator Gibson moved that the bill be referred to the Committee on Human Resources and Facilities.

Motion carried.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT **A. B. 503**

ASSEMBLY BILL NO. 503—ASSEMBLYMEN DINI, MELLO, MAY, WAGNER AND WEISE

MARCH 5, 1979

Referred to Committee on Government Affairs

SUMMARY—Changes structure and substantive requirements of Tahoe Regional Planning Agency. (BDR 22-1950)

FISCAL NOTE: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to the Tahoe Regional Planning Agency; changing the composition of its governing body and the requirements for making decisions; restricting certain gaming activities to certain places within the region; changing penalties; and providing other matters properly relating thereto.

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 the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its man-made environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with

power to adopt and enforce a regional plan, of resource conservation and orderly development [,] *consistent with environmental threshold carrying capacities adopted for the region,* to exercise effective environmental controls and to perform other essential functions, as enumerated in this [title.] *compact.*

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of [the Counties of Douglas, Ormsby, and Washoe] *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" [shall mean] *means* the long-term general plan for the development of the region.

(e) ["Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.

(f)] "Planning commission" means the advisory planning commission appointed pursuant to paragraph (h) of Article III.

[(g)] *(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.

[(h)] *(g)* "Restricted gaming license" means a license to operate *not more than 15* slot machines on which a quarterly [tax is levied] *fee is charged* pursuant to NRS 463.373.

(h) "Project" means an activity undertaken by any person 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 thresholds 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.

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:

[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. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

(1) A member of the board which appoints him; and

(2) A resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance.

A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation, he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.]

(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 sub-subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(C) One member appointed for a 1-year term by the six other members from the California delegation. If at least four members of the California delegation are unable to agree upon the selection of a seventh member within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body for that state, the Governor of the State of California shall make such appointment with the concurrence of the California Senate.

(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. The members appointed pursuant to this sub-subparagraph shall not be residents of the region and shall represent the public at large within the state of Nevada.

(C) One member appointed for a 1-year term by the six other members 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 30 days after the effective date of this amendatory act or the occurrence of a vacancy on the governing body for that state, the Governor of the State of Nevada shall make such appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region within the State of Nevada.

(3) If any appointing authority under subparagraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 30 days after the effective date of this compact or the occurrence of a vacancy on the governing body, the Governor of the state in which the appointing authority is located shall make the appointment.

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

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the

governing 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 section, "economic interests" means:

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

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

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

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

No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has a financial interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest, as defined in sub-subparagraph (A), 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) [The] *Except as provided in paragraph (a)(1)(C), the* term of office of the members of the governing body shall be 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.*

(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 Cailforina 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 oftener 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 two 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) A majority of the members of the governing body [from each state shall] constitute a quorum for the transaction of the business of the agency. [A majority vote of the members present representing each state shall be required] *Except as otherwise provided in paragraph (o) of Article VI, the affirmative vote of a majority of the members of the governing body is sufficient* to take action with respect to any matter. 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, which [shall consist of an equal number of members from each state. The commission] shall include: [but shall not be limited to:] the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of [the Counties of] Douglas [, Ormsby, and] *County,* Washoe *County and Carson City* in Nevada, [the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee,] the Chief of the Bureau of Environmental Health of the Health Division of the Department of [Health, Welfare and Rehabilitation] *Human Resources* of the State of Nevada, [or his designee,] the executive officer of the Lahontan Regional Water Quality Control Board [or his designee,] *of the State of California,* the executive officer of the [Tahoe Regional Planning Agency who shall act as chairman,] *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 Lake Tahoe Management Unit of the United States Forest Service,* and at least four lay members [each] *with an equal number from each state, at least half* of whom shall be [a resident] *residents* of the region. *Any official member may designate a substitute.*

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

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

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

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

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

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. [Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.]

ARTICLE IV. Personnel

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

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

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

(d) No member of the governing body or planning commission or employee of the agency shall be liable in damages for any decision in the course of his official duties, unless that decision is malicious. This provision shall not affect any liability of the agency under existing law.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning

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

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

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

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

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

the governing body shall complete its action on such amendment within [60] *180* days after such request is [delivered to] *accepted as complete according to standards which must be prescribed by ordinance of* the agency.

[Tahoe Regional Plan]

(b) [Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan.] After adoption [,] *of the regional plan,* the planning commission and governing body shall continuously review and maintain the regional plan. 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 provide for attaining and maintaining federal or stricter air and water quality standards for the region.

Provisions of federally approved state implementation plans for air and water quality which are applicable to all or part of the Lake Tahoe Basin shall automatically be incorporated into the regional plan for the part of the basin for which they are approved at such time as they are approved by the appropriate federal agency.

The agency may adopt at any time 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.

The regional plan shall *be a single enforceable plan and* include *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, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. *The State of California shall complete the Loop Road in the City of South Lake Tahoe within 1 year after the effective date of this amendatory provision.*

Within 12 months after the completion of the comprehensive statement establishing criteria of environmental quality and limits of the capability of the ecological system to tolerate human activity pursuant to paragraph (c) of Article VI, the agency shall develop a transportation plan for the region that substantially complies with those criteria and does not exceed those limits. Within 1 year after the effective date of this amendatory provision, the State of California undertakes to complete the Loop Road in the City of South Lake Tahoe.

(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.

(c) Except for its regional transportation plan, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on May 1, 1979, 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 State of California. Any such plan, ordinance, rule or regulation may be amended or repealed

by a vote in favor of such amendment or repeal. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency plans, ordinances, rules and regulations described in this paragraph shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules or regulations of the California Tahoe Regional Planning Agency described in this paragraph applies to that portion of the region within the State of Nevada, unless that provision is adopted for the Nevada portion of the region by the governing body of the agency.

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 individuals.

[(c)] *(d)* All provisions of the [Tahoe] regional [general] plan shall be enforced by the agency and by the states, counties and cities in the region. *New subdivisions shall not be created and highways shall not be expanded, except as specifically provided for the Loop Road, before the agency adopts ordinances that insure that such expansion or subdivision is consistent with the regional plan amended pursuant to paragraph (d) of Article VI. Construction or expansion of sewage treatment plants and sewer trunk lines, unless essential to meet the needs of present inhabitants or of projects approved affirmatively or by default before the effective date of this amendatory provision, shall not precede the development and revision of the land-use plan pursuant to paragraph (c) of Article VI.*

[Tahoe Regional Interim Plan

(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

(e)] *(d)* The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, [and interim 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.

[(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.]

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional [and interim plans.] *plan.* Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the [basin,] *region,* and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations *of the agency* shall contain general, regional 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; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the [interim plan or the general] *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 enactment of specific and local ordinances, rules, regulations and policies which conform to the [interim or general] *regional* plan.

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

[Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

(1) Was so licensed on February 5, 1968, or was licensed for a limited season during any part of the calendar year immediately preceding February 5, 1968.

(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.]

(b) *No project other than those to be reviewed and approved under the special provision of paragraphs (f), (g) and (h) may be developed in the region without obtaining the review and approval of the agency and no project may be approved, except in accordance with a regional plan and ordinances meeting the requirements of this compact. The agency shall prescribe by ordinance:*

(1) Those activities, structures or uses which require its review and approval; and

(2) The kind and form of information which must be included in an application for approval.

The agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making the written findings required by this paragraph or paragraph (e). Such findings shall be based upon substantial evidence in the record.

(c) The agency shall develop in cooperation with the States of California and Nevada threshold carrying capacities for the region. Within 18 months of the effective date of this amendatory provision, the agency shall adopt a comprehensive statement establishing environmental threshold carrying capacities for the region.

(d) Within 1 year of the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, implementation of the plan and all of its elements 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.

(e) The agency shall adopt ordinances prescribing specific written findings that the agency and the Nevada Tahoe regional planning commission must make prior to approving any project in the region. These findings shall relate to environmental protection and the adopted environmental threshold carrying capacities of the region. Prior to the adoption by the agency of these ordinances, the agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan, ordinances, regulations and standards of the agency for the portion of the region in which the project is located relating to the protection, maintenance and enhancement of environmental quality in the region.

(f) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on January 1, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on January 1, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or by default before that date. The agency shall not permit the construction of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before January 1, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before January 1, 1979, to the extent permitted by that license on that date.

The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on the effective date of this amendatory provision. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on the effective date of this amendatory provision.

(g) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume and land coverage existing or approved on the effective date of this amendatory provision.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from the provisions of paragraphs (f) and (g) if it is incidental to the primary use of the premises. The provisions of paragraphs (f) and (g) 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.

(i) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties [,] and cities [,] *, each within the limits of its territory.* The appropriate courts [of] *within* the respective states, each within its limits of territory and subject matter provided by [state] law, are vested with jurisdiction over civil actions [to which the agency is a party] *arising under this compact* and criminal actions for violations of [its] *the agency's* ordinances. Each such action shall be brought in a court [of] *sitting within* the state where the violation is committed or where the property affected by a civil action is situated. [, unless the action is brought in a federal court. For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

(c)] *If the real property affected by a civil action is situated in more than one state, the action must be brought in a court sitting within the state where the defendant in the action resides or has his principal place of business.*

Any person aggrieved by a final action of the agency is entitled to judicial review thereof. No action or proceeding may be commenced for the purpose of seeking judicial review after the expiration of 30 days from the date of notice of final action by the agency. Notice of final action by the agency must 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. An

action seeking judicial review must be instituted in a court sitting within the state where the property affected is located, or if located in more than one state then in a court sitting within the state where the defendant resides or has his principal place of business. The review must be conducted by the court without a jury and must be confined to the record and to issues substantially raised before the agency. The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the decision is:

(1) In violation of constitutional or statutory provisions;

(2) In excess of the authority of the agency;

(3) Made upon unlawful procedure;

(4) Affected by other error of law;

(5) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(j) Except as otherwise provided [in paragraph (d),] *for the Loop Road,* all public works projects shall be reviewed prior to construction and approved, *conditionally approved or rejected* by the agency *after a finding* as to the project's compliance with the [adopted] regional [general] plan.

[(d)] *(k)* All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect [, or may specifically apply,] to the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan or interim plan, and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. [A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

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

[(f) Violation of any ordinance of the agency is a misdemeanor.]

(m) Any person or governmental entity who violates any provision of this compact is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $100,000 for each offense. In addition, any person or governmental entity who performs any development in violation of this compact, the regional plan or ordinances of the agency, or conditions of approval imposed by the agency is subject to the imposition

by a court of competent jurisdiction of a civil fine not to exceed $5,000 for each day in which such violation persists. If the violation occurs in California, one-half the amount of any civil fine imposed shall be deposited in the state general fund and one-half shall be deposited in the county general fund of the county in which the violation occurs. If the violation occurs in Nevada, the entire amount of any civil fine imposed shall be deposited in the state permanent school fund. Any action to impose such a fine must be brought in the county where the alleged violation occurred.

[(g)] *(n)* 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.

[(h)] *(o)* 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.

[(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

(j)] *(p)* Every record of the agency, whether public or not, shall be open for examination to the [Legislative Analyst] *Legislature and Controller* of the State of California and the [Fiscal Analyst] *legislative auditor* of the State of Nevada.

[(k)] *(q)* Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action [,] *by vote,* whether to approve, to require modification or to reject such proposal, within [60] *180* days after such proposal is delivered to 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 the agency does not take final action within [60] *180* days, the proposal shall be deemed [approved.] *rejected. Approval of a project requires the affirmative vote of a majority of the members of the governing body from the state in which the project is located and the affirmative vote of a majority of all the members of the governing body. Any person whose proposal is rejected is entitled to judicial review pursuant to paragraph (i).*

(r) Approval by the agency or the Nevada Tahoe regional planning agency, as the case may be, of any project expires 3 years after the date of final action by the agency or commission or the effective date of this amendatory provision, 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 shall not be counted. Any license, permit or certificate issued by the agency or the Nevada Tahoe regional planning 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 paragraph. 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 paragraph.

(s) 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 and the Nevada Tahoe regional planning agency when acting upon matters that affect the region shall:

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

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

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

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

(C) Alternatives to the proposed project;

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

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

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

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

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

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

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

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

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

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

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

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

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project. A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency and the Nevada Tahoe regional planning 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 or commission 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 will therefore 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) [Except as provided in paragraph (e), on] *On* or before [December] *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 not more than $150,000 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. [Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sum from its general fund or from any other moneys available therefor.] *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 shall pay to the agency by July 1 of each year $200,000 and $100,000, respectively to support the activities of the agency pursuant to this compact.*

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

(c) The agency shall *submit an itemized budget to the states, shall* be strictly accountable to any county in the region *and the states* for all funds paid by [it] *them* to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.

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

(e) [As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

(1) For the remainder of the then-current fiscal year; and

(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.] *If additional funds are required the agency shall make a request, accompanied by an itemized budget, to the States of California and Nevada. Any additional appropriations may be paid by the States of California and Nevada.*

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

ARTICLE [VIII.] *IX.* 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 paragraph (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating

state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

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

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

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

SEC. 2. NRS 277.205 and 277.230 are hereby repealed.

SEC. 3. Chapter 518, Statutes of Nevada 1977, entitled "An Act relating to the Tahoe Regional Planning Agency; restricting certain gaming activities to certain places within the area under the control of the agency; providing changes in the composition of the agency's governing body; providing certain civil penalties; and providing other matters properly relating thereto," approved May 13, 1977, is hereby repealed, and chapter 502, Statutes of Nevada 1975, is not thereby revived.

SEC. 4. The secretary of state shall transmit a certified copy of section 1 of this act to the governor of the State of California. The governor of this state, as soon as:

1. He is officially advised that the State of California has enacted the amendment to the Tahoe Regional Planning Compact set forth in section 1 of this act; and

2. The Congress of the United States has approved such amendment,

shall proclaim that the compact has been so amended.

SEC. 5. 1. This section and sections 3 and 4 of this act shall become effective upon passage and approval.

2. Sections 1 and 2 of this act shall become effective upon proclamation by the governor of this state of the enactment of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act by the State of California and their approval by the Congress of the United States.

Amendment adopted.
Resolution ordered reprinted and re-engrossed.

Assembly Concurrent Resolution No. 31.
Senator Echols moved the adoption of the resolution.
Resolution adopted.

Senator Neal moved that Assembly Bill No. 503 be taken from the Secretary's desk and be placed on the General File.
Motion carried.

Senate Concurrent Resolution No. 55.
Senator Gibson moved the adoption of the resolution.
Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Committee on Finance:
Senate Bill No. 585—An Act authorizing expenditure for capital improvements from the higher education capital construction fund; authorizing expenditure of university capital improvement fee funds; and providing other matters properly relating thereto.
Senator Lamb moved that the bill be referred to the Committee on Finance.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 503.
Bill read third time.
The following amendment was proposed by Senator Wilson:
Amendment No. 1343.
Amend section 1, page 1, line 8, by deleting "that the" and inserting: "that [the".
Amend section 1, page 2, by deleting lines 2 and 3, and inserting: "and orderly development, to exercise effective environ-".
Amend section 1, page 2, by deleting line 5 and inserting: "in this title.] :".
Amend section 1, page 2, by inserting between lines 5 and 6:
"(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, 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) There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region.

(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 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 policies, regulations and public laws applying to the region shall be interpreted and administered by the Tahoe Regional Planning Agency in accordance with the policies set forth in this compact.".

Amend section 1, page 2, by deleting line 32, and inserting:

"sion appointed pursuant to [paragraph] *subdivision* (h) of Article III.".

Amend section 1, page 2, by deleting line 33 and inserting:

"(f) "Gaming" means to deal, operate, carry on, conduct,".

Amend section 1, page 2, lines 34 through 43, by printing all text in italics.

Amend section 1, page 2, by deleting lines 44 through 46, and inserting:

"(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.".

Amend section 1, page 3, line 4, by deleting *"thresholds"* and inserting: *"standards"*.

Amend section 1, page 3, by inserting between lines 9 and 10:

"(k) "Area within a structure open to public use" means all area within a structure housing gaming under a nonrestricted license except:

(1) The area which is devoted to the private use of guests, including hallways to serve that area; and

(2) Any parking area.

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

Amend section 1, page 4, line 4, by deleting *"County Board of Supervisors"* and inserting: *"county board of supervisors"*.

Amend section 1, page 4, line 5, by deleting *"City Council"* and inserting: *"city council"*.

Amend section 1, page 4, line 10, by deleting *"sub-subparagraph"* and inserting: *"subparagraph"*.

Amend section 1, page 4, by deleting lines 13 through 19.

Amend section 1, page 4, by deleting lines 30 and 31 and inserting: *"designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at"*.

Amend section 1, page 4, by deleting line 36 and inserting: *"within 60 days after the effective date of the amendments to this compact or the"*.

Amend section 1, page 4, line 41, by deleting *"subparagraph"* and inserting *"paragraph"*.

Amend section 1, page 4, line 42, by deleting *"30"* and inserting: *"60"*.

Amend section 1, page 4, line 43, by inserting *"the amendments to"* after *"date of"*.

Amend section 1, page 4, line 45, by adding after the period: *"The term of any member so appointed shall be 1 year."*.

Amend section 1, page 5, line 3, by deleting *"section,"* and inserting: *"paragraph,"*.

Amend section 1, page 5, by deleting lines 22 and 23 and inserting: *"the public generally, on the economic interests of the member or employee."*.

Amend section 1, page 5, by deleting lines 30 and 31 and inserting:

"(c) [The term of office of the members of the governing body shall be at the pleasure of the] *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"*.

Amend section 1, page 6, by deleting line 5 and inserting:

"(g) [A majority] *Four* of the members of the governing body from each".

Amend section 1, page 6, line 6, by inserting open bracket before "shall".

Amend section 1, page 6, by deleting lines 8 through 10 and inserting: "state shall be required to take action with respect to any matter. The] *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 defining procedures for granting variances therefrom, 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 four members from the state in which the project is located and the affirmative vote of at least eight members of the governing body are required.

If at least four members of the governing body from the state in which the project is located and at least eight 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. The decision of the agency shall be supported by findings.

(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 proposal, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such proposal, within 180 days after such proposal is delivered to 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''.

Amend section 1, page 6, by deleting lines 14 and 15 and inserting:

''agency. [, which shall consist of an equal number of members from each state.] The commission shall include : [but shall not be limited''.

Amend section 1, page 8, line 4, by deleting ''paragraph'' and inserting: ''[paragraph] *subdivision''*.

Amend section 1, page 8, line 15, by deleting ''paragraph.'' and inserting ''[paragraph.] *subdivision.''*.

Amend section 1, page 8, by deleting line 30 and inserting:

''plan. After adoption, the] *The agency shall develop, in cooperation with the States of California and Nevada, environmental threshold carrying capacities for the region. The agency may request the President's Council on Environmental Quality 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 one 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, implementation of the plan and all of its elements 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''.

Amend section 1, page 8, by deleting lines 36 through 49.

Amend section 1, page 9, line 12, by deleting *''The''*.

Amend section 1, page 9, by deleting lines 13 through 23 and inserting:

''The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this

paragraph and in making any decisions relative to transportation in the period before adoption of the regional transportation plan. Upon completion of its review, the agency shall determine whether the transportation plan of the California Tahoe Regional Planning Agency shall be adopted as the part of the regional transportation plan applicable to the California portion of the region.''.

Amend section 1, pages 9 and 10, by deleting lines 45 through 50 on page 9 and lines 1 through 10 on page 10.

Amend section 1, page 10, line 11, by inserting open bracket before ''Where''.

Amend section 1, page 10, by deleting line 19 and inserting:

''(c) All provisions of the Tahoe regional general plan''.

Amend section 1, page 10, by deleting line 21 and inserting: ''the region.''.

Amend section 1, page 10, by deleting lines 22 through 29.

Amend section 1, page 10, line 31, by deleting open bracket.

Amend section 1, page 10, by deleting line 42 and inserting:

''(e)] *(d) Prior to revision of the regional plan and adoption of ordinances by the agency as required by subdivision (c) of Article V, the regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever is strictest, in the respective portions of the region for which the standards are applicable.*

The agency may, however, adopt at any time 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 January 1, 1979, 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 State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The agency shall adopt ordinances prescribing specific written findings that the agency and the Nevada Tahoe regional planning agency must make prior to approving any project in the region. These

findings shall 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.

(g) The agency shall maintain the data, maps and other infor-''.

Amend section 1, page 10, line 49, by inserting after "cities.]":

"(h) 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.".

Amend section 1, page 11, by inserting between lines 22 and 23:

"The agency shall prescribe by ordinance those activities which it has determined will not have a significant effect on the environment and will therefore be exempt from its review and approval.".

Amend section 1, page 11, line 23, by inserting before "Every" *"(b)".*

Amend section 1, page 11, by deleting line 46 and inserting:

"the special provisions of subdivisions (d), (e), (f) and (g) may be developed".

Amend section 1, pages 11 and 12, by deleting line 50 on page 11 and lines 1 through 33 on page 12 and inserting:

"agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (f) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (f) of Article V, the agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, 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 January 1, 1982:

(1) No new highway may be built or existing highway widened to accommodate additional continuous lanes of traffic.

(2) No building may be erected to house gaming under a nonrestricted license, but any approval for construction, permit or commitment to supply sewerage is restored to validity upon the expiration of this moratorium and the running of any period of limitation upon such an approval, permit or commitment is tolled during the moratorium. This paragraph does not apply to parking garages.

(3) No new subdivision may be approved, and no subdivision which has been approved but is without sewerage may proceed with any construction, provision of sewerage or sale of lots.

(4) No apartment building or condominium may be erected unless application for a permit to do so was made to the appropriate planning commission or the governing body of the county before the effective date of the amendments to this compact.

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

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

(B) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

This amendatory provision does not become effective unless Congress ratifies the amendments of which it is a part before January 1, 1980."

Amend section 1, page 12, line 34, by deleting *"(f)"* and inserting *"(d)"*.

Amend section 1, page 12, line 43, by deleting *"by default"* and inserting *"deemed approved"*.

Amend section 1, page 12, line 44, by inserting after *"construction"* the phrase *"or use"*.

Amend section 1, page 13, lines 7 and 8 by deleting *"the effective date of this amendatory provision."* and inserting *"May 4, 1979."*.

Amend section 1, page 13, lines 13 and 14 by deleting *"the effective date of this amendatory provision."* and inserting *"May 4, 1979."*.

Amend section 1, page 13, line 15, by deleting *"(g)"* and inserting *"(e)"*.

Amend section 1, page 13, by deleting line 17 and inserting:
"approved on May 4, 1979.".

Amend section 1, page 13, line 18, by deleting *"(h)"* and inserting *"(f)"*.

Amend section 1, page 13, by deleting line 19 and inserting:
"from review by the agency if it is incidental to the primary use of the premises.".

Amend section 1, page 13, by deleting line 20 and inserting:
"(g) The provisions of subdivisions (d) and (e)".

Amend section 1, page 13, line 25, by deleting *"(i)"* and inserting *"(h)"*.

Amend section 1, page 13, by deleting line 27 and inserting:
"counties [,] and cities."

Amend section 1, page 13, by deleting line 28 and inserting:
"The appropriate courts of the respective states, each within its".

Amend section 1, page 13, line 29, by deleting the open and closed brackets.

Amend section 1, page 13, line 30, by deleting the open and closed brackets.

Amend section 1, page 13, by deleting line 31 and inserting:
"and criminal actions for violations of its".

Amend section 1, page 13, by deleting line 32 and inserting:
"ordinances. [Each such action shall be brought in a court".

Amend section 1, page 13, by deleting line 33 and inserting:
"of the state where the violation is committed or where".

Amend section 1, page 13, line 34, by deleting ". [".

Amend section 1, page 13, line 35, by inserting a closed bracket after "court".

Amend section 1, pages 13 and 14, by deleting lines 38 through 48 on page 13 and lines 1 through 4 on page 14, and inserting:

"[(c)] *Legal actions arising out of this compact must be brought as follows:*

(1) If the action affects real property, the action must be brought in the state or federal judicial district where the real property affected or the portion of the property most immediately affected by the proposed development is situated;

(2) If the action involves an alleged criminal violation or violation for which a civil fine may be imposed, the action must be brought in the judicial district where the alleged violation has taken place; and

(3) If the action relates to the validity or interpretation of this compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, the action may be brought in any judicial district which includes a part of the region.

Any aggrieved person may file an action in the appropriate court of the State of California or Nevada or of the United States alleging noncompliance with any provision of this compact or of any plan or ordinance adopted thereunder. In the case of governmental agencies, "aggrieved person" means any federal, state or local government agency. In the case of any person other than a governmental agency, "aggrieved person" means any person who has appeared in person or through an authorized representative, or submitted his views 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 or submitting such a statement.

A legal action arising out of or alleging violation of this compact shall be commenced within 180 days after final action by the agency. If no action by the agency is involved, such a legal action shall be filed within 180 days after discovery of the violation.

Notice of final action by the agency must 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.

Judicial review must be conducted by".

Amend section 1, page 14, by deleting line 20 and inserting:

"[Except as otherwise provided in paragraph (d),".

Amend section 1, page 14, line 21, by deleting *"Road,* all" and inserting: "all] *(i) All".*

Amend section 1, page 14, line 22, by deleting *"conditionally approved,"* and inserting *"modified,".*

Amend section 1, page 14, line 25, by deleting *"(k)"* and inserting *"(j)".*

Amend section 1, page 14, line 27, by deleting "apply,] to" and inserting "apply, to]".

Amend section 1, page 14, lines 31 and 32, by deleting "regional plan or interim plan," and inserting "regional plan, [or interim plan,]".

Amend section 1, page 14, line 37, by deleting *"(l)"* and inserting *"(k)"*.

Amend section 1, page 14, line 39, by inserting after "[general]" the word *"regional"*.

Amend section 1, page 14, line 45, by deleting *"(m)"* and inserting *"(l)"*.

Amend section 1, page 14, line 46, by deleting *"compentent"* and inserting *"competent"*.

Amend section 1, page 15, line 7, by deleting *"Any action to impose such"*.

Amend section 1, page 15, by deleting line 8.

Amend section 1, page 15, line 9, by deleting *"(n)"* and inserting *"(m)"*.

Amend section 1, page 15, line 13, by deleting *"(o)"* and inserting: *"(n)"*.

Amend section 1, page 15, line 23, by deleting *"(p)"* and inserting: *"(o)"*.

Amend section 1, page 15, by deleting line 27 and inserting:

"[(k) Whenever under the provisions of this article or any ordi-".

Amend section 1, page 15, line 30, by deleting "[,] *by vote,"* and inserting a comma.

Amend section 1, page 15, line 31, by deleting "[60] *180"* and inserting "60".

Amend section 1, page 15, by deleting lines 32 through 40 and inserting: "posal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.]".

Amend section 1, page 15, line 41, by deleting *"(r)"* and inserting *"(p)"*.

Amend section 1, page 15, by deleting lines 43 and 44 and inserting: *"of final action by either agency or the effective date of th amendments to this compact, whichever is later, unless construction is begun"*.

Amend section 1, page 15, by deleting line 47 and inserting: *"ing 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."*.

Amend section 1, page 16, by deleting lines 1 through 4, and inserting: "such legal action as provided in this *subdivision."*.

Amend section 1, page 16, line 5, by deleting *"(s)"* and inserting: *"(q)"*.

Amend section 1, page 17, line 26, by inserting after *"Specific"* the phrase *"public and private"*.

Amend section 1, page 17, line 45, by deleting *"Article VIII"* and inserting: *"Article* [VII] *VIII"*.

Amend section 1, page 18, line 1, by deleting "not more than $150,000" and inserting: "[not more than $150,000] *$75,000"*.

Amend section 1, page 18, line 9, by deleting *"Each"* and inserting: *"In addition, each"*.

Amend section 1, page 18, line 13, by deleting *"shall"* and inserting: *"may"*.

Amend section 1, page 18, by deleting lines 14 and 15 and inserting: *"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. Apportionment ofthe state funds must be two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

Amend section 1, page 18, line 18, by deleting *"states,"* and inserting: *"states for review with any request for state funds,"*.

Amend section 1, page 18, line 24, by deleting *"paragraph"* and inserting: *"subdivision"*.

Amend section 1, page 18, by deleting lines 33 through 36 and inserting: "and each county shall pay such amount.".

Amend section 1, page 18, line 37, by placing a closed bracket after "(f)".

Amend section 1, page 18, line 48, by deleting "paragraph" and inserting: "[paragraph] *subdivision*".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6, and inserting a new section designated section 4, following section 3, to read as follows:

"Sec. 4. 1. The legislature of the State of Nevada finds that in order to make effective the regional plan as it is to be revised by the Tahoe Regional Planning 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.

2. From the effective date of the prohibition imposed by this section until the happening of one of the events provided in subsection 3 for its expiration, in that portion of the region defined in the Tahoe Regional Planning Compact which lies in the State of Nevada:

(a) No new highway may be built or existing highway widened to accommodate additional continuous lanes of traffic.

(b) No building may be erected to house unrestricted gaming, but any approval for construction, permit or commitment to supply sewerage is restored to validity upon the expiration of this moratorium and the running of any period of limitation upon such an approval, permit or commitment is tolled during the moratorium. This paragraph does not apply to parking garages.

(c) No new subdivision may be approved, and no subdivision which has been approved but is without sewerage may proceed with any construction, provision of sewerage or sale of lots.

(d) No apartment building or condominium may be erected unless application for a permit to do so was made to the appropriate planning commission or the governing body of the county before the effective date of this section.

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

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

(2) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

3. The prohibition imposed by this section:

(a) Becomes effective upon the effective date of this section or the

effective date of an equivalent or stricter provision applying to that portion of the region which lies in the State of California, whichever effective date is later.

(b) Expires by limitation on January 1, 1980, or the date of ratification by Congress of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act, whichever date is earlier.''.

Amend section 4, page 19, line 32, by deleting the period and inserting '', and two certified copies of this entire act to the secretary of state of California for delivery to the respective houses of its legislature.''.

Amend section 5, page 19, line 40, by deleting ''3 and 4'' and inserting ''3, 4 and 5''.

Senator Neal moved the adoption of the amendment.

Remarks by Senators Neal, Wilson, Hernstadt, Blakemore and Gibson.

Senators Dodge, Echols and Kosinski moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1343 to Assembly Bill No. 503.

Senator Keith Ashworth requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1343 to Assembly Bill No. 503.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1343 to Assembly Bill No. 503.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senator Gibson moved that the Senate recess until 2:00 p.m.

Motion carried.

Senate in recess at 12:07 p.m.

SENATE IN SESSION

At 2:03 p.m.

President Leavitt presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELVIN D. CLOSE, JR., *Chairman*

Mr. President:

Your Committee on Judicary, to which was referred Assembly Bill No. 808, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELVIN D. CLOSE, JR., *Chairman*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 24, 1979

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 762.

CAROL L. MOORE
Assistant Chief Clerk of the Assembly

(REPRINTED WITH ADOPTED AMENDMENTS)
THIRD REPRINT

A. B. 503

ASSEMBLY BILL NO. 503—ASSEMBLYMEN DINI, MELLO, MAY, WAGNER AND WEISE

MARCH 5, 1979

Referred to Committee on Government Affairs

SUMMARY—Changes structure and substantive requirements of Tahoe Regional Planning Agency. (BDR 22-1950)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

ACT relating to the Tahoe Regional Planning Agency; changing the composition of its governing body and the requirements for making decisions; restricting certain gaming activities to certain places within the region; changing penalties; and providing other matters properly relating thereto.

e 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 [the waters of Lake Tahoe and other ources of the Lake Tahoe region are threatened with deterioration degeneration, which may endanger the natural beauty and economic ductivity of the region.

(b) It is further declared that by virtue of the special conditions and umstances of the natural ecology, developmental pattern, population ribution and human needs in the Lake Tahoe region, the region is eriencing problems of resource use and deficiencies of environmental trol.

(c) It is further found and declared that there is a need to maintain equilibrium between the region's natural endowment and its man-de environment, to preserve the scenic beauty and recreational oppor-ities of the region, and it is recognized that for the purpose of

enhancing the efficiency and governmental effectiveness of the regi
is imperative that there be established an areawide planning agency
power to adopt and enforce a regional plan, of resource conserv
and orderly development, to exercise effective environmental co
and to perform other essential functions, as enumerated in this title.]

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

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

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

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

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

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

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

(8) Responsibilities for providing recreational, and scientific o
tunities, preserving scenic and natural areas, and safeguarding the p
who live, work and play in or visit the region are divided among
governments, the States of California and Nevada, and the Federal
ernment.

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

(10) There is a need to maintain an equilibrium betwee
region's natural endowment and its manmade environment, to pre
the scenic beauty and recreational opportunities of the region.

(b) In order to enhance the efficiency and governmental effectiv
of the region, it is imperative that there be established a Tahoe Re
Planning Agency with power to establish environmental threshold
ing capacities, and to adopt and enforce a regional plan and imple
ing ordinances which will achieve and maintain such capacities
providing opportunities for orderly growth and development cons
with such capacities.

(c) The policies, regulations and public laws applying to the r
shall be interpreted and administered by the Tahoe Regional Pla
Agency in accordance with the policies set forth in this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of [the Counties of Douglas, Ormsby, and Washoe] *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" [shall mean] *means* the long-term general plan for the development of the region.

(e) ["Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.

(f)] "Planning commission" means the advisory planning commission appointed pursuant to [paragraph] *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 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 econo environmental, social and technological factors.

(k) "Area within a structure open to public use" means all within a structure housing gaming under a nonrestricted license exc

(1) The area which is devoted to the private use of guests, inclu hallways to serve that area; and

(2) Any parking area.

(l) "Nonrestricted license" means a gaming license which is n restricted gaming license.

ARTICLE III. Organization

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

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

[One member appointed by each of the County Boards of Superv of the Counties of El Dorado and Placer and one member appoi by the City Council of the City of South Lake Tahoe. Each mer shall be a member of the city council or county board of superv which he represents and, in the case of a supervisor, shall be a resi of a county supervisorial district lying wholly or partly within the re

One member appointed by each of the boards of county com sioners of Douglas, Ormsby and Washoe counties. Any membe appointed shall be a resident of the county from which he is appoi and may be, but is not required to be:

(1) A member of the board which appoints him; and

(2) A resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion d mine. The manner of selecting the person so to be appointed ma further prescribed by county ordinance.

A person so appointed shall before taking his seat on the gover body disclose all his economic interests in the region, and shall th after disclose any further economic interest which he acquires, as as feasible after he acquires it. If any board of county commissic fails to make an appointment required by this paragraph withir days after the effective date of this act or the occurrence of a vac on the governing body, the governor shall make such appointment. position of a member appointed by a board of county commissic shall be deemed vacant if such member is absent from three consec meetings of the governing body in any calendar year.

One member appointed by the Governor of California and one n ber appointed by the Governor of Nevada. The appointment of the fornia member is subject to Senate confirmation, he shall not be a resi of the region and shall represent the public at large. The mer appointed by the Governor of Nevada shall not be a resident of region and shall represent the public at large.

The Administrator of the California Resources Agency or his desi and the Director of the Nevada Department of Conservation and Na Resources or his designee.]

(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 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 occurence of a vacancy on the governing body for that state the Governor of the State of Nevada shall make such appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region within the State of Nevada.

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

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

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing 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 m
ber has a direct or indirect investment worth more than $1,000.
(B) Any real property located in the region in which the me
has a direct or indirect interest worth more than $1,000.
(C) Any source of income attributable to activities in the re
other than loans by or deposits with a commercial lending instituti
the regular course of business, aggregating $250 or more in value rec
by or promised to the member within the preceding 12 months; or
(D) Any business entity operating in the region in which the m
ber is a director, officer, partner, trustee, employee or holds any po
of management.
No member or employee of the agency shall make, or attempt to
ence, an agency decision in which he knows or has reason to kno
has a financial interest. Members and employees of the agency
disqualify themselves from making or participating in the making o
decision of the agency when it is reasonably foreseeable that the de
will have a material financial effect, distinguishable from its effe
the public generally, on the economic interests of the membe
employee.

(b) The members of the agency shall serve without compensatior the expenses of each member shall be met by the body which he r sents in accordance with the law of that body. All other expenses inc by the governing body in the course of exercising the powers conf upon it by this compact unless met in some other manner specif provided, shall be paid by the agency out of its own funds.

(c) [The term of office of the members of the governing body sh: at the pleasure of the] *Except for the secretary of state and direct the state department of conservation and natural resources of Ne and the member appointed pursuant to subdivision (a)(2)(C), the m bers of the governing body serve at the pleasure of the* appointing au ity in each case, but each appointment shall be reviewed no less than every 4 years. *Members may be reappointed.*

(d) The governing body of the agency shall meet at least mor All meetings shall be open to the public to the extent required b law of the State of Cailforina or the State of Nevada, whichever im the greater requirement, applicable to local governments at the such meeting is held. The governing body shall fix a date for its re monthly meeting in such terms as "the first Monday of each mo and shall not change such date oftener than once in any calendar Notice of the date so fixed shall be given by publication at least in a newspaper or combination of newspapers whose circulati general throughout the region and in each county a portion of v territory lies within the region. Notice of any special meeting, e an emergency meeting, shall be given by so publishing the date [,] 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 sidered vacated upon his loss of any of the qualifications require his appointment and in such event the appointing authority shall ap a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two 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) [A majority] *Four* of the members of the governing body from each state [shall] constitute a quorum for the transaction of the business of the agency. [A majority vote of the members present representing each state shall be required to take action with respect to any matter. The] *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 defining procedures for granting variances therefrom, 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 or rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least four members from the state in which the project is located and the affirmative vote of at least eight members of the governing body are required. If at least four members of the governing body from the state in which the project is located and at least eight 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. The decision of the agency shall be supported by findings.

(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 proposal, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such proposal, within 180 days after such proposal is delivered to 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. [, which shall consist of an equal number of members from each state.] The commission shall include: [but shall not be limited to:] the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of [the Counties of]

Douglas [, Ormsby, and] *County,* Washoe *County and Carson* in Nevada, [the Placer County Director of Sanitation, the El Do County Director of Sanitation, the county health officer of Do County or his designee, the county health officer of Washoe Coun his designee,] the Chief of the Bureau of Environmental Health o Health Division of the Department of [Health, Welfare and Rehab tion] *Human Resources* of the State of Nevada, [or his designee,] executive officer of the Lahontan Regional Water Quality Control B [or his designee,] *of the State of California,* the executive officer o [Tahoe Regional Planning Agency who shall act as chairman,] *Resources Board of the State of California, the director of the department of conservation and natural resources of the State of Ne the administrator of the Lake Tahoe Management Unit of the U States Forest Service,* and at least four lay members [each] *with an e number from each state, at least half* of whom shall be [a resid *residents* of the region. *Any official member may designate a substi*

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

The position of each member of the advisory planning commi shall be considered vacated upon loss of any of the qualifica required for appointment, and in such event the appointing auth shall appoint a successor.

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

A majority of the members of the advisory planning commission constitute a quorum for the transaction of the business of the com sion. A majority vote of the quorum present shall be required to action with respect to any matter.

(i) The agency shall establish and maintain an office within the re [. The] *, and for this purpose the* agency may rent or own property equipment. Every plan, ordinance and other record of the agency w is of such nature as to constitute a public record under the law of e the State of California or the State of Nevada shall be open to inspe and copying during regular office hours.

(j) Each authority charged under this compact or by the law of e state with the duty of appointing a member of the governing body o agency shall by certified copy of its resolution or other action notif Secretary of State of its own state of the action taken. [Upon recei certified copies of the resolutions or notifications appointing the m bers of the governing body, the Secretary of State of each respe state shall notify the Governor of the state who shall, after consult with the Governor of the other state, issue a concurrent call for organization meeting of the governing body at a location determ jointly by the two governors.

(k) Each state may provide by law for the disclosure or elimin of conflicts of interest on the part of members of the governing b appointed from that state.]

ARTICLE IV. Personnel

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

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

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

(d) No member of the governing body or planning commission or employee of the agency shall be liable in damages for any decision in the course of his official duties, unless that decision is malicious. This provision shall not affect any liability of the agency under existing law.

ARTICLE V. Planning

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

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

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

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

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

the governing body shall complete its action on such amendment within [60] *180* days after such request is [delivered to] *accepted as complete according to standards which must be prescribed by ordinance of* the agency.

[Tahoe Regional Plan]

(b) [Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the] *The agency shall develop, in cooperation with the States of California and Nevada, environmental threshold carrying capacities for the region. The agency may request the President's Council on Environmental Quality 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 one 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, implementation of the plan and all of its elements 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. The regional plan shall consist of a map, or diagram, and text, or texts setting forth the projected 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* include the following correlated elements:

(1) A land-use plan for the integrated arrangement and general distribution 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, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminal and related facilities for the movement of people and goods within the region. *The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph and in making any decisions relative to transportation in the region before adoption of the regional transportation plan. Upon completion of its review, the agency shall determine whether the transportation plan of the California Tahoe Regional Planning Agency shall be adopted as the part of the regional transportation plan applicable to the California portion of the region.*

(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.

[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 individuals.

(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

Tahoe Regional Interim Plan

(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

(e)] *(d) Prior to revision of the regional plan and adoption of ordinances by the agency as required by subdivision (c) of Article V, the regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever is strictest, in the respective portions of the region for which the standards are applicable.*

The agency may, however, adopt at any time air or water quality standards or control measures more stringent than the applicable state

implementation plan or the applicable federal, state, or local sta
for the region, if it finds that such additional standards or control
ures are necessary to achieve the purposes of this compact. Each el
of the regional plan, where applicable, shall, by ordinance, identi
means and time schedule by which air and water quality standards
attained.

(e) Except for the Regional Transportation Plan of the Cali
Tahoe Regional Planning Agency, the regional plan, ordinances,
and regulations adopted by the California Tahoe Regional Pl
Agency in effect on January 1, 1979, shall be the regional plan,
nances, rules and regulations of the Tahoe Regional Planning A
for that portion of the Tahoe region located in the State of Calif
Such plan, ordinance, rule or regulation may be amended or repea
the governing body of the agency. The plans, ordinances, rules an
ulations of the Tahoe Regional Planning Agency that do not conflic
or are not addressed by, the California Tahoe Regional Pla
Agency's plans, ordinances, rules and regulations referred to i
subdivision shall continue to be applicable unless amended or re
by the governing body of the agency. No provision of the regional
ordinances, rules and regulations of the California Tahoe Regional
ning Agency referred to in this subdivision shall apply to that port
the region within the State of Nevada, unless such provision is ad
for the Nevada portion of the region by the governing body of the a

(f) The agency shall adopt ordinances prescribing specific w
findings that the agency and the Nevada Tahoe regional planning a
must make prior to approving any project in the region. These fi
shall relate to environmental protection and shall insure that the p
under review will not adversely affect implementation of the re
plan and will not cause the adopted environmental threshold ca
capacities of the region to be exceeded.

(g) The agency shall maintain the data, maps and other inform
developed in the course of formulating and administering the re
plan, [and interim plan,] in a form suitable to assure a consistent
of developmental trends and other relevant information for the availa
of and use by other agencies of government and by private organiz
and individuals concerned.

[(f) All provisions of the interim plan shall be enforced by the a
and by the states, the counties, and cities.]

(h) Where necessary for the realization of the regional plan
agency may engage in collaborative planning with local governm
jurisdictions located outside the region, but contiguous to its bound
In formulating and implementing the regional plan, the agency
seek the cooperation and consider the recommendations of countie
cities and other agencies of local government, of state and fe
agencies, of educational institutions and research organizations, wh
public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances,

regulations and policies to effectuate the adopted regional [and interim plans.] *plan.* Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the [basin,] *region,* and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations *of the agency* shall contain general, regional 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; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the [interim plan or the general] *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 enactment of specific and local ordinances, rules, regulations and policies which conform to the [interim or general] *regional* plan.

The agency shall prescribe by ordinance those activities which it has determined will not have a significant effect on the environment and will therefore be exempt from its review and approval.

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

[Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

(1) Was so licensed on February 5, 1968, or was licensed for a limited season during any part of the calendar year immediately preceding February 5, 1968.

(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.]

(b) *No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved, except in accordance with a regional plan and ordinances meeting the requirements of this compact. The agency and the Nevada Tahoe regional planning agency may*

approve a project in the region only after making the written findings required by this subdivision or subdivision (f) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (f) of Article V, the agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, 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 January 1, 1982:

(1) No new highway may be built or existing highway widened to accommodate additional continuous lanes of traffic

(2) No building may be erected to house gaming under a nonrestricted license, but any approval for construction, permit or commitment to supply sewerage is restored to validity upon the expiration of this moratorium and the running of any period of limitation upon such an approval, permit or commitment is tolled during the moratorium. This paragraph does not apply to parking garages.

(3) No new subdivision may be approved, and no subdivision which has been approved but is without sewerage may proceed with any construction, provision of sewerage or sale of lots.

(4) No apartment building or condominium may be erected unless application for a permit to do so was made to the appropriate planning commission or the governing body of the county before the effective date of the amendments to this compact.

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

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

(B) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

This amendatory provision does not become effective unless Congress ratifies the amendments of which it is a part before January 1, 1980.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on January 1, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on January 1, 1979,

or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The agency shall not permit the construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before January 1, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before January 1, 1979, to the extent permitted by that license on that date.

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

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume and land coverage existing or approved on May 4, 1979.

(f) 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.

(g) 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.

(h) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties [,] and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. [Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court.] For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

[(c)] *Legal actions arising out of this compact must be brought as follows:*

(1) If the action affects real property, the action must be brought in the state or federal judicial district where the real property affected or the portion of the property most immediately affected by the proposed development is situated;

(2) If the action involves an alleged criminal violation or vic for which a civil fine may be imposed, the action must be brought judicial district where the alleged violation has taken place; and

(3) If the action relates to the validity or interpretation of this pact or of any ordinance, plan, rule or regulation adopted pu thereto, the action may be brought in any judicial district which in a part of the region.

Any aggrieved person may file an action in the appropriate cc the State of California or Nevada or of the United States allegin compliance with any provision of this compact or of any plan or nance adopted thereunder. In the case of governmental ag "aggrieved person" means any federal, state or local government a In the case of any person other than a governmental agency, "agg person" means any person who has appeared in person or throu authorized representative, or submitted his views in writing, befo agency at an appropriate administrative hearing to register object the action which is being challenged, or who had good cause f making such an appearance or submitting such a statement.

A legal action arising out of or alleging violation of this compac be commenced within 180 days after final action by the agency. action by the agency is involved, such a legal action shall be filed 180 days after discovery of the violation.

Notice of final action by the agency must be given by publica least once in a newspaper or combination of newspapers whose c tion is general throughout the region and in each county a port whose territory lies within the region.

Judicial review must be conducted by the court without a jur must be confined to the record and to issues substantially raised the agency. The court shall not substitute its judgment for that agency as to the weight of the evidence on questions of fact. The may affirm the decision of the agency or remand the case for furthe ceedings. The court may reverse or modify the decision if subs rights of the appellant have been prejudiced because the decision

(1) In violation of constitutional or statutory provisions;

(2) In excess of the authority of the agency;

(3) Made upon unlawful procedure;

(4) Affected by other error of law;

(5) Clearly erroneous in view of the reliable, probative and su tial evidence on the whole record; or

(6) Arbitrary or capricious or characterized by abuse of discre clearly unwarranted exercise of discretion.

[Except as otherwise provided in paragraph (d), all] *(i) All* works projects shall be reviewed prior to construction and app *modified, or rejected* by the agency *after a finding* as to the pr compliance with the [adopted] regional [general] plan.

[(d)] *(j)* All plans, programs and proposals of the State o fornia or Nevada, or of its executive or administrative agencies, may substantially affect [, or may specifically apply, to] th of land, water, air, space and other natural resources in the including but not limited to public works plans, programs and prc

concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan, [or interim plan,] and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. [A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

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

[(f) Violation of any ordinance of the agency is a misdemeanor.]

(l) Any person or governmental entity who violates any provision of this compact is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $100,000 for each offense. In addition, any person or governmental entity who performs any development in violation of this compact, the regional plan or ordinances of the agency, or conditions of approval imposed by the agency is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $5,000 for each day in which such violation persists. If the violation occurs in California, one-half the amount of any civil fine imposed shall be deposited in the state general fund and one-half shall be deposited in the county general fund of the county in which the violation occurs. If the violation occurs in Nevada, the entire amount of any civil fine imposed shall be deposited in the state permanent school fund.

[(g)] *(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.

[(h)] *(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.

[(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

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

[(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject

such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.]

(p) Approval by the agency or the Nevada Tahoe regional planning agency, as the case may be, of any project expires 3 years after the date of final action by either 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 or the Nevada Tahoe regional planning 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 and the Nevada Tahoe regional planning agency when acting upon matters that affect the region shall:

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

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

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

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

(C) Alternatives to the proposed project;

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

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

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

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

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

(4) Make available to states, counties, municipalities, institutions

and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

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

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

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

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

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

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

(2) Specific public and private 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 and the Nevada Tahoe regional planning 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 or commission 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 will therefore 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 [VII] *VIII.* Finances

(a) [Except as provided in paragraph (e), on] *On* or before [December] *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 [not more than $150,000] *$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. [Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sum from its general fund or from any other moneys available therefor.] *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. Apportionment of the state funds must be two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.*

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

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

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

(e) [As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

(1) For the remainder of the then-current fiscal year; and

(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

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

ARTICLE [VIII.] *IX.* 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 [paragraph] *subdivision* (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

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

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

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

SEC. 2. NRS 277.205 and 277.230 are hereby repealed.

SEC. 3. Chapter 518, Statutes of Nevada 1977, entitled "An Act relating to the Tahoe Regional Planning Agency; restricting certain gaming activities to certain places within the area under the control of the agency; providing changes in the composition of the agency's governing body; providing certain civil penalties; and providing other matters properly relating thereto," approved May 13, 1977, is hereby repealed, and chapter 502, Statutes of Nevada 1975, is not thereby revived.

SEC. 4. 1. The legislature of the State of Nevada finds that in order to make effective the regional plan as it is to be revised by the Tahoe Regional Planning 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.

2. From the effective date of the prohibition imposed by this section until the happening of one of the events provided in subsection 3 for its expiration, in that portion of the region defined in the Tahoe Regional Planning Compact which lies in the State of Nevada:

(a) No new highway may be built or existing highway widened to accommodate additional continuous lanes of traffic.

(b) No building may be erected to house unrestricted gaming, but any approval for construction, permit or commitment to supply sewerage is restored to validity upon the expiration of this moratorium and the running of any period of limitation upon such an approval, permit or commitment is tolled during the moratorium. This paragraph does not apply to parking garages.

(c) No new subdivision may be approved, and no subdivision which has been approved but is without sewerage may proceed with any construction, provision of sewerage or sale of lots.

(d) No apartment building or condominium may be erected unless application for a permit to do so was made to the appropriate planning commission or the governing body of the county before the effective date of this section.

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

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

(2) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

3. The prohibition imposed by this section:

(a) Becomes effective upon the effective date of this section or the effective date of an equivalent or stricter provision applying to that portion of the region which lies in the State of California, whichever effective date is later.

(b) Expires by limitation on January 1, 1980, or the date of ratification by Congress of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act, whichever date is earlier.

SEC. 5. The secretary of state shall transmit a certified copy of section 1 of this act to the governor of the State of California, and two certified copies of this entire act to the secretary of state of California for delivery to the respective houses of its legislature. The governor of this state, as soon as:

1. He is officially advised that the State of California has enacted the amendment to the Tahoe Regional Planning Compact set forth in section 1 of this act; and

2. The Congress of the United States has approved such amendment,

shall proclaim that the compact has been so amended.

SEC. 6. 1. This section and sections 3, 4 and 5 of this act shall become effective upon passage and approval.

2. Sections 1 and 2 of this act shall become effective upon proclamation by the governor of this state of the enactment of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act by the State of California and their approval by the Congress of the United States.

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additional compensation to employees where turnover and retention are a substantial problem.

HIGHWAY FUND

In order to provide some relief to the Highway Fund, the General Appropriation Act contains General Fund appropriation support for one of the divisions of the Department of Motor Vehicles. S. B. 569, which was previously acted on by this body, provided that the fees collected by the Drivers' License Division become a General Fund revenue; this appropriation act provides that the expenses of the Drivers' License Division become a General fund responsibility.

SUMMARY

These are only a few of the highlights contained in the General Appropriation Act. A number of other appropriations that makeup the state's operating budgets or contained in other bills already considered by the legislature.

In the past, much of the discussion on the General Appropriation Act has centered on program increases and increased spending levels. This year the discussion is different. The budgets are tight, spending plans are austere, and the money committees have diligently trimmed the "fat" from them. Yet, the spending plan is responsive to Nevada's needs and does provide the level of services that are demanded by Nevada citizens.

I want to give special thanks to the members of the Ways and Means and Senate Finance Committees that worked long and hard to develop these budgets. Committee members worked long hours and were subjected to tremendous pressures in their actions to hold the line in state spending. Their recommendations for your consideration represent this hard work and do not come lightly; I urge "Do Pass" on this General Appropriation Act.

Roll call on Assembly Bill No. 850:

YEAS—16.

NAYS—None.

Absent—Keith Ashworth, Close, Lamb, Raggio—4.

Assembly Bill No. 850 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 503.

Bill read third time.

The following amendment was proposed by Senator Jacobsen:

Amendment No. 1388.

Amend section 1, page 14, by deleting lines 22 through 25, and inserting:

"stricted license, except pursuant to a right vested before the effective date of the amendments to this compact. This".

Amend section 4, page 22, by deleting lines 10 through 14, and inserting:

"(b) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the prohibition imposed by this section. This paragraph does not apply".

Senator Jacobsen moved the adoption of the amendment.

Remarks by Senators Jacobsen, Young, Wilson and Gibson.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1388 to Assembly Bill No. 503.

SENATOR JACOBSEN:

Mr. President, I would like to request that all the remarks made on Assembly Bill No. 503 be entered in Journal for legislative history and legislative intent.

Mr. President, this section deals with the moratorium on casinos. I asked our Legislative Counsel Bureau for an opinion, which I would like to read for you now.

SENATOR GIBSON:

Mr. President, I request that the Legislative Counsel Bureau's opinion on this amendment be entered in the record, adjacent to the amendment.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

May 25, 1979

SENATOR LAWRENCE E. JACOBSEN
Senate Chamber

DEAR JAKE:

You have asked whether the language of the amendments to the Tahoe compact which would temporarily prohibit construction of casinos (paragraph (2) of subdivision (c) of Article VI in the 3rd reprint) and similar language pending final amendment of the compact is constitutional as applied to casinos holding prior permits. The supreme court has held that a moratorium may be imposed pending development of a general plan—*Williams v. Griffin,* 91 Nev. 743 (1975)—and that permits may be denied in anticipation of a change of zoning—*King's Castle v. Board of County Comm'rs,* 88 Nev. 557 (1972).

The general rule is, however, that a building permit validly issued is irrevocable if the holder has substantially relied on it—see cases collected at 49 A.L.R. 3rd 26—and some authority that reliance is not required—*Hull v. Hunt,* 331 P.2d 856 (Wash. 1958) . In the case of the casinos, I am reliably informed that at least one has obtained a judgment of the United States District Court, affirmed on appeal, establishing its right to build. As to this casino and any others similarly situated, I do not believe the moratorium could be enforced.

Very truly yours,

FRANK W. DAYKIN
Legislative Counsel

SENATOR WILSON:

Mr. President, I have conferred with the Legislative Counsel with respect to the amendment. I concur with it. I think it improves the Act and I urge your adoption of it.

Amendment adopted.

The following amendment was proposed by Senator Wilson:

Amendment No. 1413.

Amend section 1, page 4, line 5, by inserting after *"including"* the words *"hotel rooms and"*.

Amend section 1, page 5, line 24, by inserting after *"members"* the words *"or designees"*.

Amend section 2, page 7, by deleting line 12 and inserting *"tions, the"*.

Amend section 1, page 7, line 18, by inserting after the period:
"No variances from provisions of the regional plan or the implementing ordinances and regulations shall be granted except pursuant to procedure established by ordinance, and any such ordinance shall be enacted by the voting procedure described in this paragraph.".

Amend section 1, page 7, line 25, by deleting *"The decision of"* and inserting *"Decisions by"*.

Amend section 1, page 9, by deleting lines 24 through 27.

Amend section 1, page 10, line 14, by deleting *"may"* and inserting *"should"*.

Amend section 1, page 10, line 15, by inserting after *"Quality"* the words:
", the United States Forest Service and other appropriate agencies".

Amend section 1, page 10, line 42, by deleting *"The"*.

Amend section 1, page 10, by deleting lines 43 through 50 and inserting:

"The goal of transportation planning shall be to reduce dependency on the automobile by making better use of the existing transportation system, and where increases in capacity are required, the agency shall consider and 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 that a transit district shall be established in the region. The specific responsibility, jurisdiction, representation and revenue authority of the transit district shall be developed in the regional transportation planning process and be incorporated in the plan. A representative designated by the Nevada department of highways (or transportation) and a representative designated by the California department of transportation shall be included as members of the board of commissioners of the transit district.".

Amend section 1, page 13, by deleting lines 20 through 22 and inserting:

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

Amend section 1, page 13, line 23, by deleting *"(b)"*.

Amend section 1, page 14, line 18, by deleting *"until January 1, 1982:* and inserting:

"until the regional plan is amended pursuant to subdivision (c) of Article V, or until January 1, 1982, whichever is earlier:".

Amend section 1, page 14, line 20, by deleting *"of traffic"* and inserting *"for automobiles."*.

Amend section 1, page 14, by deleting lines 27 through 33 and inserting:

"(3) No new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact.

(4) No apartment building or condominium may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the amendments to this compact.".

Amend section 1, page 14, by deleting lines 41 and 42.

Amend section 1, page 14, line 46, by deleting *"January 1, 1979,"* and inserting *"May 4, 1979,"*.

Amend section 1, page 14, line 50, by deleting *"January 1, 1979,"* and inserting *"May 4, 1979,"*.

Amend section 1, page 15, line 7, by deleting *"January 1, 1979,"* and inserting *"May 4, 1979,"*.

Amend section 1, page 15, line 11, by deleting *"January 1, 1979,"* and inserting *"May 4, 1979,"*.

Amend section 1, page 15, line 42, by inserting between "court.]" and "For the words:

"This provision does not purport to deprive the federal courts of any jurisdiction otherwise provided by law.".

Amend section 1, pages 15 and 16, by deleting lines 47 through 50 on page 15 and lines 1 through 3 on page 16 and inserting:

"(1) A civil or criminal action challenging an activity by the agency or any person, which is with respect to, undertaken or to be undertaken upon a parcel of real property, shall be brought in the state or federal judicial district where the real property is situated. If the real property is situated in more than one such judicial district, such action shall be brought in the judicial district where the majority of the challenged activity occurs or is to occur.".

Amend section 1, page 16, line 4, by deleting *"(3) If"* and inserting:

"(2) Except as otherwise provided in paragraph (1), if".

Amend section 1, page 16, line 6, by inserting between *"any"* and *"judicial"* the words *"state or federal"*.

Amend section 1, page 16, line 20, by deleting *"180"* and inserting *"90"*.

Amend section 1, page 16, line 22, by deleting *"180"* and inserting *"90"*.

Amend section 1, page 16, by deleting lines 29 and 30 and inserting: *"the agency. The court"*.

Amend section 1, page 16, by deleting lines 33 through 41 and inserting:

"rights of the person seeking judicial review have been prejudiced.".

Amend section 4, page 22, line 9, by deleting "of traffic." and inserting "for automobiles.".

Amend section 4, page 22, by deleting lines 16 through 22 and inserting:

"(c) No new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the prohibition imposed by this section.

(d) No apartment building or condominium may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the prohibition imposed by this section.".

Amend section 4, page 22, by reprinting lines 23 through 29 in Roman type.

Amend section 4, page 22, line 26, by deleting *"subdivision;"* and inserting "paragraph;".

Amend section 4, page 22, by deleting lines 31 through 34 and inserting:

"(a) Becomes effective on the passage and approval of this act.".

Amend section 4, page 22, line 35, by deleting "by limitation on January 1, 1980, or the" and inserting "on:

(1) The".

Amend section 4, page 22, line 37, by deleting "act, whichever date is earlier." and inserting "act; or

(2) The expiration of 60 days after it becomes effective, unless on or before that date an equivalent or stricter provision is enacted applying to that portion of the region which lies in the State of California, whichever date is earlier.".

Senator Wilson moved the adoption of the amendment.

Remarks by Senators Young, Wilson, Jacobsen, Gibson, McCorkle and Hernstadt.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1413 to Assembly Bill No. 503.

SENATOR WILSON:

Mr. President, this amendment and the next, Amendment No. 1418, are additional amendments intended to clarify and complete the earlier amendment which now constitutes the third reprint of this bill.

The operative provisions of the amendment, which I hope we can discuss upon a final reprint of the bill, address that part of the negotiations on page two, which had to do with the California transportation plan and whether it would be adopted in the compact. During the negotiations we would not adopt it as a flooring on the California side, because of its bi-state and basin-wide implications.

The language appearing on page two of the amendment is in lieu of a seating of the California transportation plan, and it directs and mandates the agency to review and consider all existing transportation plans, to look for alternatives to the automobile in terms of giving emphasis to mass transit.

I think the amendment speaks for itself. It requires a review and consideration of a transportation plan. It requires that the plan provide for a transit district and provides the general composition of a transportation district board of commissioners, including representatives of the highway departments of the two states.

It was our judgment that while the California transportation plan ought not to be floored and binding, transportation was clearly a problem within the basin and ought to be addressed by the agency and for that reason, this language in the amendment was recommended.

On page four is language which I think improves the provision for venue. It must be read together with that appearing in Amendment No. 1418, which I would ask that the body consider next in order for the purposes of adoption.

The venue language on page four is intended to address the vexatious problem of litigation being brought in some place other than where the cause or subject of the litigation is sited. Paragraph one addresses the criminal or civil action which challenges an activity which is undertaken upon a parcel of real property, that is, its use, development or improvement. That amendment requires that that action be brought in the state or federal judicial district where the real property is situated. It also addresses the situation where the property is situated in more than one district. In that event, it must be brought in the district where the majority of the challenged activity upon that parcel of land is to occur.

Quite frankly, this language is intended to prevent the filing of an action in one county or in one state, which addresses the use made of or upon land in another county or judicial district or another state, and it would apply to the jurisdictions of both state and federal courts having jurisdiction over the subject matter.

For clarity, I would like to depart to the language in Amendment No. 1418 which concludes this provision. It is the second paragraph. It addresses the question of whether or not the action is brought only to attack the validity or interpretation of the compact or an ordinance without reference specifically to use made or an improvement made on a specific parcel of land, which is addressed in paragraph one. While this language does not appear in this amendment, it does appear in the next and it should read in connection with it. That amendment provides that if the action relates only to the validity or interpretation of the compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, and specifically does not relate to an activity upon specific real property, then in that event and only in that event, it may be brought in any judicial district which includes part of the region. I think that is the present law but the amendment is intended to clarify and to be consistent with that in paragraph one.

On page six is language which is not a part of the compact, but which would be statutory. It implements the moratorium. At the bottom of page six, it provides for a period of sixty days from passage and approval, during which the moratorium would apply. That period is there to give California a chance to agree with the amendment.

If California does not concur in this bi-state compact agreement, then the moratorium provided for in the agreement will expire. The point simply is that delay

ought not to extend the moratorium to the hardship of people who are affected by it. Therefore, we sought to give it some terminus.

As the bill otherwise provides, if California does concur then the moratorium would continue pending ratification by the Congress.

That covers the amendment. I would prefer to discuss the general measure when the bill is in reprint so that we can see it comprehensively. I recommend the amendment to you and I think it improves the bill.

SENATOR GIBSON:

Mr. President, I would like to ask Senator Wilson to relate to us whether or not these amendments have been worked out in conjunction with the negotiations with California as far as affecting the joint acceptance agreements after they are incorporated.

SENATOR WILSON:

Mr. President, in response to Senator Gibson, they have, although some of those discussions have been by telecopy and telephone. I must say to you that we have received a good deal of language from California which we did not accept.

Much of the language that appears in this amendment represents the negotiating committee's judgment, which has not always been consistent with the language that we did receive. I think that this language is generally acceptable to California but their acceptance is going to be conditioned upon final review of the language as we adopt it.

Generally speaking though, I would say the answer is in the affirmative.

SENATOR MCCORKLE:

Mr. President, to Senator Wilson, I wonder if you might elaborate a little bit, prior to reprinting, on a transit district. How limiting is that? Could it be something as innocuous as a busline or does it mean that we are eliminating automobiles from the basin?

SENATOR WILSON:

Mr. President, in reply to Senator McCorkle, I don't think this language is jurisdictional. It is intended to state to the agency that they shall review and consider all existing transportation plans.

There are presently three. There is the one which the California TRPA has adopted and which we have refused to adopt for the California side of the basin for several reasons. One is jurisdictional. It is implemented by a California agency. Second, it is so broad and comprehensive in concept as to be preemptive of any real planning.

Another is the TRPA transit plan itself.

A third is a plan with which I am not familiar, but which was drawn by a company named J.H.K. and which was presented to the staffs of the California TRPA, the City of South Lake Tahoe, Eldorado County and, I am told, the Nevada Highway Department. I am not familiar with it.

All I am saying is that there are at least three plans that I am aware of. There may be others. The agency is mandated to review and consider all existing transportation plans.

Some kind of transit district ultimately should be established. The plan should provide for that. That will require the creation, at some point, of jurisdiction to do so.

I think what this addresses is a recognition by the legislatures that some attention, at some time, must be given to the need for transit within the basin. It doesn't say how. It doesn't floor or limit the agency's judgment to a particular plan or a particular mode or a particular type of mass transit. It recognizes, I think by its language, that some alternative has to be found for the automobile and that the agency should consider and give preference to providing the need for such transportation capacity through public transportation and public programs and projects related to transportation.

It recognizes an alternative. It requests the agency to examine it and consider it and, if feasible, to implement it. I might add, that the adoption of any plan which would include the elements addressing transportation, can only be done upon the voting procedure described when we adopted the earlier amendment.

With respect to environmental threshholds, with respect to the adoption of the regional plan, and with respect to the promulgation of ordinances which give expression to that plan, that requires a double majority; that is, a majority of the

Nevada delegation and a majority of the California delegation. That is to say, either state has a veto. If elements of a transportation plan are to be incorporated into a regional plan, and if those should be objectionable, or unfeasible, we have the jurisdiction to reject and to veto.

I think that gives the amendment some degree of balance. As I indicated the other day, anybody can review the bill and these amendments and find areas of disagreement and reservation. This language is intended to suggest the problem and some alternatives that the agency should address under the safeguards of the voting procedure which the prior amendment we adopted provides.

SENATOR HERNSTADT:

Mr. President, I would inquire about the question I addressed a couple of days ago on this floor, as to whether any attention had been paid to helping the private property owners who were impacted by the moratorium with either some form of tax relief or aid in their carrying charges, during the moratorium period.

I see that through Senator Jacobsen's amendment we have taken out the hotel properties that have had vested permits and we have also, in Amendment No. 1413 that we are discussing now, allowed people who have almost completed a subdivision map to continue.

I would like to know who the moratorium will actually apply to with the impact of these amendments and, again, what provision, if any, is being made to help them?

SENATOR WILSON:

Mr. President, I don't know how much of the issue is within the amendment and how much is the bill, generally.

Setting aside for the moment the subject of Senator Young's offered amendment, Amendment No. 1417, which involves a 318 Improvement District and its bonds which are in default, and which would by its terms be within the exception to the moratorium.

The moratorium, in effect, allows all existing subdivisions which have the approval of a complete or substantially complete tentative map. That would include individual units and condominiums and apartment buildings which do not have a building permit. The number of units in Douglas County alone has been estimated to range somewhere from twenty-three hundred to three thousand. That may be enlarged somewhat by the degree of multiple units, but I don't have that number.

All of those items are excluded from the moratorium. I would say that those are the individual residential items which enjoy the most reliance, and when taken together with Senator Young's amendment, would be a substantial part of the development within Douglas County.

With respect to the three permitted but unconstructed gaming hotel projects, the thrust of Senator Jacobsen's amendment just adopted, Amendment No. 1388, is to recognize the law as it exists. That is to say, if it is a vested right, it is constitutionally protected. If it is constitutionally protected you cannot impress upon it a moratorium. It simply makes explicit what is implicit in the law. Clearly, to the extent that you have permits and sufficient reliance, those would not be within the moratorium.

As to the others, I cannot speak to that. It is a case by case issue. Either the right is vested because of reliance and is entitled to constitutional protection, or it is not.

To your question of whether we appropriated any money, the answer is no. As I indicated the other day, I am no more enamored of moratoriums than are you. Those who were on the negotiating committee are in the unenviable position, as much so in the corridors of this building as on the floor, of having attempted to negotiate with California an agreement, the terms and conditions of which, when all taken together and placed in balance, represent some kind of rough agreement which is intended to survive the process and become an amendment to the compact.

As I indicated the other day, there are parts of this with which none of us are happy or pleased, and if isolated would not pass as a bill; but which may be given less weight in its negative when balanced against the positive and taken as part of a whole. Hopefully, that balance will produce an amendment to the compact with California. That presupposes a judgment that a commendment of the compact is necessary.

This is not a strict moratorium as moratoriums go. Although, I must confess to you, I am loathe to recommend one. They are not happy creatures. It is not a

happy situation. That is the reason for Senator Young's amendment which he will speak to in a minute.

There are inequities involved and I have to confess to have some sympathy with those and express to you that it is because of those that I frankly felt that priority had to be given to protecting the equities in the residential lots purchaser as opposed to the unconstructed casino. That reliance by the individual property owner is probably proportionately and individually greater than in the case of the latter.

SENATOR HERNSTADT:

Mr. President, does California have the intention of imposing a similar type moratorium on their side?

SENATOR WILSON:

Mr. President, they already have, but substantially stricter than ours. I think theirs is in the neighborhood of two hundred building permits a year.

They havn't done it as directly as we. They attempted, in the draft exchanged by the Governors, to apply a moratorium upon sewer service rather than land use.

Amendment adopted.

The following amendment was proposed by Senator Wilson:

Amendment No. 1418.

Amend paragraph (2) of subdivision (h) of Article VI of the Tahoe Regional Planning Compact to read as follows:

"(2) If the action relates only to the validity or interpretation of this compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, and does not relate to an activity upon specific real property, the action may be brought in any judicial district which includes a part of the region.".

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1418 to Assembly Bill No. 503.

Senator Wilson moved the adoption of the amendment.

Remarks by Senators Wilson and Young.

SENATOR WILSON:

Mr. President, I spoke to this one a minute ago. It is the second paragraph of the venue subject and I recommend its adoption.

SENATOR YOUNG:

Mr. President, I have a question I would like to direct to the distinguished Assistant Majority Leader. Amendment No. 1418 states that, "If the action relates only to the validity of interpretation of this compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, and does not relate to any activity upon specific real property, the action may be brought in any judicial district which includes a part of the region."

I presume that for the most part, legal action would involve a specific piece of property. I am sure we both want to avoid the spectre of Nevada lawyers and Nevada officials on a commuter run to California courts. But what disturbs me is this possibility. The law of California, as the law of Nevada, I am sure provides for declaratory judgment. I can imagine that skillful and sophisticated counsel, and I have seen and heard of a lot of them who are exploiting the bi-state compact for the purpose of inhibiting or preventing development, might bring actions for declaratory judgment in California on the interpretation of an ordinance, plan, rule or regulation.

If that is binding upon Nevada authorities, I would think that they would almost perforce, have to appear there. If a suit couldn't be brought for declaratory judgment in the abstract, I am sure there would be no great difficulty in finding a piece of property pursuant to which the specific problem could be presented.

I wonder if the distinguished Chairman would comment on whether or not we indeed, notwithstanding the good intentions of this amendment, are exposing the lawyers and officials of Nevada to a legion of suits in California. I am apprehensive that we would be doing just that.

SENATOR WILSON:

Mr. President, one thing you learn in this body is that when your colleague refers to you as either distinguished or learned, you know he really means neither one. And when it is used here, it really is a disclaimer.

In response to my distinguished and learned colleague, and he is, I can only say to you is that what you have just described is not this amendment but the status quo. That is to say, that is the fact today. I think that one can talk to virtually any lawyer who has litigated on behalf of a property owner within the basin who is contending with a suit brought in California, and find that that is precisely what is happening today.

That is why the subject is a sensitive one and that is the reason why this amendment at least attempts to deal with it. I am not suggesting that it is a panacea. The law today is worse, because you can bring such an action in any district if you attach an ordinance. Even though your property may be in another jurisdiction you can presently sue in some other jurisdiction, to the inconvenience of owners of the property.

These two amendments attempt to address that. The first of course, simply states that if you are challenging the issuance of a permit or approval or a variance of a specific piece of property, under paragraph one, you are mandated to bring it in the jurisdiction where the property is situated.

Paragraph two is merely an attempt to refine what I think is the present law. If the action relates only to an ordinance which is adopted and they wish to defend the ordinance, then only in that event can they bring it in any other court. That is the existing law today. This does not change that.

If there is a vice in this subject, it is not the amendment. It is the present fact. What this paragraph attempts to do is to make it abundantly clear that it is only with respect to the adopted ordinance or plan or rule or the compact itself, that you can disregard the situs of the parcel of land, the use of which is being challenged, and go to any district having jurisdiction within the basin.

SENATOR YOUNG:

Mr. President, in response to my distinguished colleague, if this is the law today, why do we need the amendment?

I am apprehensive. The language seems pretty clear to me. If it relates to the validity or the interpretation of this compact or of any ordinance, plan, rule or regulation, it can be brought in any judicial district.

I can anticipate somebody forum shopping to get a judge who may be predisposed against Nevada interests in California and presenting these questions on the compact, on the plan, rule or regulation, to that judge.

I don't see how Nevada lawyers or public officials could dare stay away from participating in that litigation. As a lawyer, perhaps I should be expressing appreciation to the fact that this compact may assist the profession. But, on the other hand, I think it creates more problems than it perhaps solves.

SENATOR WILSON:

Mr. President, while the amendment recognizes the fact, and what you just said is the fact, you have to read the whole amendment. What you just read related to the action on the validity and interpretation of the compact or any ordinance, plan or regulation; and it may be brought anywhere within the basin.

The important part of the amendment is not what you read. The important part is this: if the action relates only to the validity or interpretation of the compact or of any ordinance, plan or regulation and if it does not relate to an activity upon specific real property, then and only then, may the action be brought in any district which includes a part of the region. The language is intended to be limiting and it is intended to be limiting of the present problem.

This language is intended to mean that if an action affects the specific use of a parcel of property, you have to go to the situs of the property. If it is in the abstract, that is it simply attacks the promulgation of an ordinance, then and only then, in that limited circumstance are you free to go to a forum having jurisdiction over any part of the basin.

SENATOR YOUNG:

Mr. President, would it be possible to get interpretations on several ordinances and then armed with those interpretations from a favorable judge, to then proceed to determine the propriety of building or not building, developing or not developing, on specific property.

This is what concerns me. The interpretation of the ordinances, the plans or the rules can be obtained in a forum that is favorable to those who want to prevent development, who have no regard for private property, who then would take those rulings, those judgments, those decisions, and use them any place in the region.

I apprehend that as a severe short-coming of any system for judicially setting disputes that are inevitably going to arise under this compact.

SENATOR WILSON:

Mr. President, I can say only that I don't offer you a perfect world.

All that is offered by this amendment is some small, modest improvement of the status quo. It is not a cure. But it is an improvement, however modest.

SENATOR YOUNG:

Mr. President, any improvement, I am sure, would be like water to a man who is dying of thirst on the desert.

Amendment adopted.

The following amendment was proposed by Senator Young:

Amendment No. 1417.

Amend paragraph (3) of subdivision (c) of Article VI of the Tahoe Region Planning Compact to read as follows:

"(3) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact. A general improvement district may subdivide land owned by the district if necessary to avoid insolvency of the district.".

Amend paragraph (c) of subsection 2 of section 4 to read as follows:

"(c) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the prohibition imposed by this section. A general improvement district may subdivide land owned by the district if necessary to avoid insolvency of the district.".

Senator Young moved the adoption of the amendment.

Remarks by Senators Young, Gibson, Wilson, Neal, Dodge, Ford and Hernstadt.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1417 to Assembly Bill No. 503.

SENATOR YOUNG:

Mr. President, there are a few things that are inevitable in life. Two are death and taxes. The third is litigation on anything that is enacted with regard to the Lake Tahoe region.

I am sure that this bill, if enacted and approved by California, will spawn a new class of law suits, just as the enactment of the bi-state compact in 1969 caused a proliferation of suits in every court, in every jurisdiction, at every level, involving anybody who had money enough to litigate.

Unfortunately, there are many people who simply do not have money to litigate.

This is a somewhat unusual amendment. I requested Amendment No. 1417 before I ever saw the part of the statute proposed that is being amended. It was sort of like shooting a duck. You have to aim ahead of what the measure is going to be.

This amendment provides for an exception to the moratorium. I must say at the outset, I am not voting on Lake Tahoe measures. I have not voted for ten years. I have studiously avoided participating in any hearings or voting on this measure because the law firm with which I am associated has represented people who are affected by these bills.

I presume my credentials in the environmental field are fairly impeccable. I am

sure my good friend, Senator Blakemore, would consider me to be a member of good standing of the birds and bunnies, probably in the front rank of that group.

I have been somewhat offended by the speed with which this matter has been presented to this body. I commend my distinguished colleague. I know how hard he has worked, the circumstances under which he has proceeded. He has to face the realities of negotiating something with California. But, there have been matters presented here this evening which I know were not available for consideration by those who are directly affected by the jurisdiction of the courts, the transit system and certain other aspects. Haste makes waste. We didn't receive many of these amendments until about 8:45 this evening. It is said by some that the Lake Tahoe compact is one of the major bills of this session.

When we proceed in haste like we are doing this evening, it is inevitable that there are going to be law suits. There is one area in particular I found troublesome and that is with respect to a 318 sewer district, the Roundhill General Improvement District.

It was created probably twelve or fourteen years ago, back when Governor Sawyer was the Chief Executive of our State. The Bournes, at that time, owned the property. They planned on opening a shopping center. They were directed by the State, or at least an offer was made that they couldn't refuse, to become a member of a sewer district. Consequently, the Roundhill General Improvement District was formed. Bonds were sold for the purpose of constructing sewer lines and facilities. Because of the enactment of the bi-state compact in 1969, there was a down-grading of the property. It became impossible to develop it. The bonds went into default. The Roundhill District then sued the Bournes. The Bournes settled by paying one hundred thousand dollars or more in cash and conveying one hundred and sixteen acres to the Roundhill General Improvement District, was ultra vires, a high-falutin legal word for saying beyond the capacity of the district to accept. There is now in escrow I understand, a proposal to sell one hundred and sixteen acres to acquire enough money to pay off the outstanding indebtedness.

If this moratorium is imposed, and there have been to my recollection, two moratoriums on this property already, one almost wonders how many moratoriums can be imposed without violating due process, but if this moatorium is imposed, it will mean that the escrow will not be closed, the bond holders will probably proceed against the Roundhill General Improvement District. I would presume that they would obtain judgment. They could probably execute on the land for a small fraction of its value. I think it would have an adverse effect on the county. It certainly is not consistent with fair play, which is really what due process is all about. I think this amendment would do much to alleviate the problem.

The Roundhill General Improvement District, if sued and if the property is foreclosed, will probably go into bankruptcy or insolvency or whatever happens to a 318 district that is not able to pay its bills. Therefore, I respectfully urge the approval of this amendment, although, as I have indicated earlier, I will not be voting on it.

I do have a conflict but I also feel I do have an obligation to relate to the body the consequences of what can occur if we proceed to approve a moratorium with respect to this property.

SENATOR GIBSON:

Mr. President, in the vernacular that is flying around here, I would like to ask the distinguished and learned senior Senator from Washoe County, where does this second paragraph fit into the bill?

SENATOR YOUNG:

Mr. President, I suppose that is one of the difficulties of shooting at a floating bill on the fly.

After a quasi-official meeting out in the hall with Senator Wilson, we discussed this and it was indicated that perhaps if there was a feeling that there was objection to the bill as proposed to be amended, the major amendment, which at that time was not available, that we should obtain an amendment such as contained in Amendment No. 1417.

I then contacted Frank Daykin, Legislative Counsel, and told him the situation, the goal that we were attempting to obtain or reach and frankly, other than that, I can't enlighten the distinguished Majority Leader. I can only ask him to rely upon the representations. We contacted Mr. Daykin and he indicated to us that this would accomplish the goal that I had in mind.

I think it points out the difficulty and problems of trying, in the closing minutes, I hope, of the legislature, to enact or deliberate on a matter of such importance with so little time for consideration.

SENATOR WILSON:

Mr. President, I might assist Senator Young. Looking at Amendment No. 1413, the second amendment addressed on page 3, you will see paragraph 3 which begins, "no new subdivision may be approved." Paragraph 3 of Senator Young's amendment reads that "except as otherwise provided in this paragraph, no new subdivision may be approved unless....." and the language then carves out the exception following the sentence which appears in the first amendment: "No new subdivision may be approved unless a substantially complete tenative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact." The exception to the moratorium then follows in Mr. Young's amendment: that a general improvement district may subdivide land owned by the district if necessary to avoid insolvency in the district. I believe that is the correct placement for the amendment. It is an exception to the moratorium.

SENATOR GIBSON:

Mr. President, I still do not see where this paragraph goes. It appears to be an alternative to the first paragraph because you are repeating the language but I cannot find any paragraph (c) of subsection 2 of section 4. I can find paragraph 3 of subsection (c) of Article VI. I do not understand this amendment as written and I cannot vote on it until I do.

SENATOR YOUNG:

Mr. President, perhaps we can move into a Committee of the Whole and have Mr. Daykin explain the amendment. In all candor, I cannot. I requested the amendment at approximately seven o'clock this evening. I received it at approximately eight-thirty and I simply have not had an opportunity to compare Amendment No. 1317 with Amendment No. 1413 which was not received until after we were in session.

SENATOR NEAL:

Mr. President, this amendment reminds me of the man who is dying and the doctor has been called but the doctor cannot make it because he is in debt. The problem presented here is one of preservation of the Lake. This amendment builds a wall against achieving that effort. I am not aware of Senator Young's facts relative to the need for such an amendment other than this speaks to a 318 district. He has submitted the testimony that there have been two moratoriums. It seems to me that the only one that appears to count is the one that is directed toward preserving Lake Tahoe. As I understand this amendment, it would create or allow subdivisions. Why would this be wrong under the attempt of this legislation? The simple reason is that we are dealing with the problem of eutrophication of the Lake. That means that the watershed has been disturbed, dead plants and animal life and nutrients are being drained into the Lake. The creation of subdivisions would continue the eutrophication of that Lake. Eutrophication means that the plant life in the Lake would not receive the sunshine necessary for growth. If you continue to permit the access of nutrients into the Lake it will become fat and will begin to decay. Algae will increase on the rocks in the shallow water. This amendment will allow that to occur. I ask you to think about that. I know it is important to some people to pay the sewage assessments on that property or pay that district 18 assessment, but this calls for some hard judgments to be made. The reference to the moratorium is that it would allow the scientists the time to establish a plan that will state what the ecological carrying capacity of that basin is. If you put roadblocks into the compact to prevent that, soon Reno residents will be drinking stale water from the Lake.

Sometimes there is confusion as to the purity of the Lake's waters. We tend to compare it with drinking water. At present, the water is good but that is not the real problem. The real problem is eutrophication brought about by subdivisions, building roads and other disturbances of the watershed. This is what the amendment will accomplish and I hope my colleagues understand that fact.

SENATOR WILSON:

Mr. President, Senator Young is entitled to an answer to his question. I was reading the first portion of the amendment which addresses the subject of the compact and not the second paragraph which addresses page twenty-two of the bill.

There are several sections which are statutory and are not within the compact itself. One of them, the Section four referred to in the amendment, is the sixty day moratorium which applies until California has a chance to approve the compact amendments. This moratorium provision is a part of that and is the language at the bottom of the amendment referring to a Section four, subsection two, paragraph (c). It applies to a section which is not part of the compact, which is simply the sixty days of immediate moratorium pending a period during which California may or may not agree.

SENATOR DODGE:

Mr. President, as to this amendment, I am uncertain as to how I should vote. I would like to question if this particular area is zoned or may ultimately be zoned for subdivision or are we attempting to create a subdivision by virtue of the language in the compact. It seems to be an important consideration. If it were never zoned in the past and were not anticipated by the owners that the subdivision would be permitted, that is one thing. If we are attempting by this exception to automatically bring about the approval of the subdivision, that is another consideration.

SENATOR YOUNG:

Mr. President, in response, this does not create the possibility for a subdivision where that possibility does not now exist. In response to Senator Neal, there is more involved than merely preservation of the Lake. I believe we have responsibility to provide preservation of fair play and due process. Planning has been underway in this basin for at least ten years on an intensive basis since the enactment in 1969 of the legislation which led to the bi-state compact. I doubt if there is an area in the country that has been more thoroughly planned with more carefully considered land constraints. Those very constraints are the cause of the default of the bonds in the first place. The sewer interceptor lines have already been built. They have ten inch lines but they are using only four inch capacity. They have one million gallons of capacity in the sewer but are using one hundred and twenty-five thousand gallons. If we did not enact anything, I am sure the staff of the TRPA would not permit the eutrophication to occur that is of such concern to Senator Neal. They continually downgraded the potential building in that area. The only way the Round Hill General Improvement District can avoid insolvency is to dispose of this one hundred and sixteen acres to someone who will develop the land in accordance with plans that have long been developed. The Bournes are not newcomers to the basin. They arrived there nearly fifty years ago and had early plans for development of the same property that had perhaps twice the density. There was some development and all in good taste. The improvement district was created and because of the downzoning caused by TRPA, the bonds fell into default. There are now three million two hundred thousand dollars owed on the bonds. At long last, there is someone who is willing to purchase the property for development in accordance with the constraints and the limitations of the bi-state agency which are probably as strict as any place in the country. If this moratorium is imposed, it will probably mean the escrow will not close and the Round Hill General Improvement District will be left with the land. The bond holders who are understandably anxious to be paid will proceed with the suit. I can imagine that there is no defense to a suit of this type. They will obtain judgment. I am uncertain of the procedure for insolvency of a 318 district but we may well find out if this moratorium is imposed.

SENATOR DODGE:

Mr. President, I understand from the statements by Senator Young that TRPA did actually downgrade the property and not permit the subdivisions. I can understand the problem with the sewer district if the people did not build and hook up to the system. They are obviously in trouble. However, if TRPA did in fact downgrade this property and did not permit the subdivision, it appears that by this amendment we would be circumventing the procedures of the TRPA by creating the subdivision in the compact without any action by the TRPA. The language says that a general improvement district may subdivide land owned by the district if necessary to avoid insolvency. I take it that there has been a downgrading of the property within the basin plan and this amendment would, in effect, be a circumvention.

SENATOR YOUNG:

Mr. President, it is my understanding that we still have to comply with the existing law. There is no circumvention. The moratorium prohibits any type of subdivision. This would merely allow the subdivision to proceed as an exception to the

moratorium. There is nothing to indicate that there would be any non-compliance with the applicable rules and regulations.

SENATOR FORD:

Mr. President, I share Senator Dodge's concern regarding the wording of the amendment before us. I too am having difficulty in understanding how it actually fits into the bill. I was involved in some of the discussion prior to the time this amendment was written. I had hoped the result would have been somewhat different such as developing a procedure whereby a 318 district could make application to TRPA. If there were a finding that it was indeed in financial trouble of the kind described, it then could receive an exemption. I have been familiar with the Round Hill problem for about five years and I know that the details given are true and it is a serious problem. The exemption would allow them to proceed just to the extent that it would allow them to take care of their financial difficulties and remain a solvent district. The language of this amendment appears to allow a number of 318 districts to decide they are insolvent; they could, no doubt, quickly be that way if they desired. They could utilize that language and we would have a very broad application. It would be my suggestion that if there is any appetite for dealing with the Round Hill problem we table this amendment, proceed to adopt the rest of the amendments and go to reprint on the bill. We could then continue to attempt refining this language and present it to the Assembly at some point tomorrow. I have sympathy with the Round Hill problem but I would in no way want to jeopardize the bill as a whole. If we do not address the issue, then we are passing legislation that we know will result in a district going into default. A single exception to stop that from happening may be prudent, and I think we should consider it.

SENATOR NEAL:

Mr. President, we have spent considerable time in studying the compact. This is the first time we have had this particular issue brought before us. We have had open meetings. This issue could have been presented but it was not. We have discussed assessments and other areas but this particular language and this problem was not brought to us.

SENATOR YOUNG:

Mr. President, I would like to ask my distinguished colleague if a moratorium was ever contained in any of the measures with respect to which a public hearing was held. I am advised by the people from Round Hill and others of considerable sophistication in this field that they at no time were given an opportunity to testify with respect to the impact of the moratorium. The first time that many of them were aware of the moratorium was following the negotiations that were conducted with California. Most of them had not even seen the major amendment which was considered this evening, Amendment No. 1413, until approximately eight o'clock. They had very little time. I think this is a mockery of the democratic process if we are going to attempt to deliberate on a bill with such widespread impact without even giving the people who are adversely affected an opportunity to appear and be heard. I do not see how we can defend it. The time sequence between when these people were advised and when we are deliberating on this is really a matter of minutes. I believe it adversely effects upon the craftsmanship of this legislature and for no other reason alone, the bill should probably be defeated until such time that there is an opportunity for people to appear and be heard and have their views considered. This has simply not occurred with this legislation.

SENATOR NEAL:

Mr. President, for a gentleman who cannot vote on the bill, Senator Young certainly has a lot to say about it. From the time that we reached a tentative agreement at Truckee, California, everyone has known about the moratorium. We discussed it, it was in the newspapers and we held meetings. People came in and spoke with various committee members about this and it was considered. This particular language as to this particular problem never did come to us. I am certain that all of us have heard about the Round Hill problem, but we never found out about this amendment. Frankly, I am suspect of it.

SENATOR YOUNG:

Mr. President, I might say that the woman walking the halls is a poor substitute for a committee hearing.

SENATOR HERNSTADT:

Mr. President, I have been listening to this discussion with great interest. I believe all of us here realize that Lake Tahoe is a precious resource. It is one of the most unique resources of the world and it needs to be preserved.

However, this is America and people have private property. Their private property rights also have to be preserved and we must find a narrow balance with which to do that. I am certain that any person with land would feel about that moratorium as much as any of us would if a thirty month moratorium were placed on our automobile and we were unable to use it.

I believe we have to relate this to our own circumstances. It is fine to discuss with someone walking in the halls, but if it is your property being affected, and this is the argument used by trial lawyers in accident cases, if you are the one injured in an accident it is your rights that are at issue. If you happen to be in the wrong place at the wrong time with a piece of property about to be developed, and the moratorium affects you, it is a serious matter. If you have your house already built, it is great for you.

I think we have to weigh these things carefully. I think this matter could possibly be postponed until tomorrow and discussed further so that thought and time can be put to this issue. This bill has been moving rapidly. When we leave, it is cast in concrete. If California agrees within sixty days, it is the law and it is the law for the next thirty months for these people.

I do not believe we should act hastily without thinking it out and making sure that we have been fair to both sides.

SENATOR DODGE:

Mr. President, I have been advised by Douglas County Commissioner Kiev who is a Nevada member of TRPA, in answer to my question, this property is properly zoned. It has been downzoned. It was originally zoned for approximately fifteen hundred units and due to the constraints placed upon it, it is now properly zoned for approximately four hundred and fifty units. I am further told that as he reads the language of the amendment, it would still have to go through the proper procedures for review on the application for the requirements of the TRPA. That answers my question in that regard.

SENATOR WILSON:

Mr. President, I assume that the intent of the amendment would read under paragraph 3, a general improvement district may, subject to agency approval, subdivide land owned by the district. In the second paragraph similarly, a general improvement district may, subject to agency approval, subdivide. I assume that is the intent.

SENATOR YOUNG:

Mr. President, I assure my colleague that is the intention. It is not to bypass the agency in any way but to avoid what is felt to be the adverse impact of a straight-out moratorium. I think it would destroy the opportunity they may have to come out without facing insolvency.

SENATOR WILSON:

Mr. President, I should like to make a comment. To a degree, my colleague is correct regarding the absence of hearing time on the final reprint and language. There is no question about that. Most of the concepts, including the moratorium, have been the topics of the proposed Tahoe legislation, including the agreement draft the two governors exchanged. While the process is best served by our public hearings, it should be observed that all of these matters, including a moratorium have been discussed considerably. The problem occurs when literal language is viewed to precisely how it applies. Your point is a good one. I would observe that I share your frustration in finding ourselves in these closing days dealing with this problem without adequate answers. Probably my own frustration was even greater because all of us on the negotiating committee in particular share this frustration. I must say that it has taken us a substantial amount of time just to deal with half of the problem, which is attempting to reach an agreement with California by negotiation and discussion. We must accomplish two things in this process, one is to reach agreement among ourselves and the other is to reach agreement between the two States. That is a complicated process. I am not suggesting that it is tidy. It is not.

I more than share your observation that time has not been as adequate. It has frustrated us on the negotiating committee more than the rest of you. I am constrained to say that we have had an unusual burden of first trying to bring our discussions with California to a point where there is the basis of agreement between the respective legislatures. That has been a difficult process. Unfortunately, it has taken us until now to reach agreement because we have been absolutely deadlocked on provisions over which the two States have not been willing to compromise. We felt those issues were important to the compact. That disagreement had prolonged discussion and delayed any general agreement until now. I apologize for that; but the nature of the negotiations between the two States has made that necessary. They have been difficult, prolonged and at times heated. That is not a justification for not now having adequate hearing time to consider these measures. I am not suggesting that. But, we on the negotiating committee have to ask for your understanding because we have been dealing under a handicap, the onrush of adjournment and the closing days of this session as well as the necessary time to conclude discussions with our colleagues in California. I apologize for the impact this has caused on our schedule. I would like you to understand and this body to appreciate that we have been dealing, in terms of time, under a handicap. There has been no desire on our part to rush you or to foreclose adequate consideration. Unfortunately, we find ourselves under these circumstances. We cannot change where we are. We have until only now, been trying to reach a reasonable basis for agreement between the states. If we had not done so, we would not even be here tonight on this issue. If we had not reached a basis of agreement with California for a compact amendment, we would not need to discuss processing this legislation. We would have broken off negotiations. It is because we finally reached this point that we are imposing the discussions of this matter upon you. I apologize for that; but I must ask you in patience to try and bear with us.

SENATOR GIBSON:

Mr. President, there are a couple of comments I would like to make and then a suggestion perhaps. Senator Young, I know the matter of a moratorium has been before the joint committee for several weeks in open meeting. I have had some suggestions on this. I have not attended all of the meetings but I did attend the ad hoc committee meetings. I do not believe it is an unknown area. Perhaps the application as presumed in the amendment presented has not been as apparent to everyone as it is now. I would like to suggest that we attempt to conform this bill. I can see the problem of attempting to amend something of which you were not aware, although the bill drafters were aware. I believe this amendment needs further work. There are not many 318 districts but the potential exists in the law because we are allowing them to be formed. We need to solidify this amendment to perhaps meet some of the concerns that have been expressed. Prior to consideration tomorrow, this could be ratified to accomplish the purpose as well as the concerns.

SENATOR YOUNG:

Mr. President, may I question if the distinguished Majority Leader's suggestion is to not offer this amendment to this body?

SENATOR GIBSON:

Mr. President, that is not my suggestion. My suggestion is that the amendment be ready in the morning in a better form. We would then have the context of the bill before us in one complete form.

Senator Young withdrew his motion.

Senator Young withdrew Amendment No. 1417 to Assembly Bill No. 503.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 848.

Bill read third time.

Remarks by Senators Young, Neal, Dodge and Gibson.

Senators Hernstadt, McCorkle and Sloan moved the previous question.

Motion carried.

(REPRINTED WITH ADOPTED AMENDMENTS)
FOURTH REPRINT **A. B. 503**

ASSEMBLY BILL NO. 503—ASSEMBLYMEN DINI, MELLO, MAY, WAGNER AND WEISE

MARCH 5, 1979

Referred to Committee on Government Affairs

SUMMARY—Changes structure and substantive requirements of Tahoe Regional Planning Agency. (BDR 22-1950)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to the Tahoe Regional Planning Agency; changing the composition of its governing body and the requirements for making decisions; restricting certain gaming activities to certain places within the region; changing penalties; and providing other matters properly relating thereto.

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 [the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its man-made environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of

enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan, of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.]:

(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, 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) There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region.

(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 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 policies, regulations and public laws applying to the region shall be interpreted and administered by the Tahoe Regional Planning Agency in accordance with the policies set forth in this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of [the Counties of Douglas, Ormsby, and Washoe] *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" [shall mean] *means* the long-term general plan for the development of the region.

(e) ["Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.]

(f) "Planning commission" means the advisory planning commission appointed pursuant to [paragraph] *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 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) "Area within a structure open to public use" means all area within a structure housing gaming under a nonrestricted license except:

(1) The area which is devoted to the private use of guests, including hotel rooms and hallways to serve that area; and

(2) Any parking area.

(l) "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:

[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. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

(1) A member of the board which appoints him; and

(2) A resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance.

A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation, he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.]

(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 shall make such appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region within the State of Nevada.

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

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

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing 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 has a direct or indirect investment worth more than $1,000.

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

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

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

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

(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 oftener 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 two 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) [A majority] *Four* of the members of the governing body from each state [shall] constitute a quorum for the transaction of the business of the agency. [A majority vote of the members present representing each state shall be required to take action with respect to any matter. The] *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, 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. No variances from provisions of the regional plan or the implementing ordinances and regulations shall be granted except pursuant to procedures established by ordinance, and any such ordinance shall be enacted by the voting procedure described in this paragraph.

(2) For approving a project, the affirmative vote of at least four members from the state in which the project is located and the affirmative vote of at least eight members of the governing body are required. If at least four members of the governing body from the state in which the project is located and at least eight 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. Decisions by the agency shall be supported by findings.

(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 proposal, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such proposal, within 180 days after such proposal is delivered to 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. [, which shall consist of an equal number of members from each

state.] The commission shall include: [but shall not be limited to:] the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of [the Counties of] Douglas [, Ormsby, and] *County*, Washoe *County and Carson City* in Nevada, [the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee,] the Chief of the Bureau of Environmental Health of the Health Division of the Department of [Health, Welfare and Rehabilitation] *Human Resources* of the State of Nevada, [or his designee,] the executive officer of the Lahontan Regional Water Quality Control Board [or his designee,] *of the State of California*, the executive officer of the [Tahoe Regional Planning Agency who shall act as chairman,] *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 Lake Tahoe Management Unit of the United States Forest Service*, and at least four lay members [each] *with an equal number from each state, at least half* of whom shall be [a resident] *residents* of the region. *Any official member may designate a substitute.*

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

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

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

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

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

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. [Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.]

ARTICLE IV. Personnel

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

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

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

ARTICLE V. Planning

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

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

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

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

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

the governing body shall complete its action on such amendment within [60] *180* days after such request is [delivered to] *accepted as complete according to standards which must be prescribed by ordinance of* the agency.

[Tahoe Regional Plan]

(b) [Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the] *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 one 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, implementation of the plan and all of its elements 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. 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* include *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, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. *The goal of transportation planning shall be to reduce dependency on the automobile by making better use of the existing transportation system, and where increases in capacity are required, the agency shall consider and 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 that a transit district shall be established in the region. The specific responsibility, jurisdiction, representation and revenue authority of the transit district shall be developed in the regional transportation planning process and be incorporated in the plan. A representative designated by the Nevada department of highways (or transportation) and a representative designated by the California department of transportation shall be included as members of the board of commissioners of the transit district.*

(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.

[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 individuals.

(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

Tahoe Regional Interim Plan

(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an

interim basis in accordance with the substantive powers granted to it in this agreement.

(e)] *(d) Prior to revision of the regional plan and adoption of ordinances by the agency as required by subdivision (c) of Article V, the regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever is strictest, in the respective portions of the region for which the standards are applicable.*

The agency may, however, adopt at any time 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 January 1, 1979, 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 State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The agency shall adopt ordinances prescribing specific written findings that the agency and the Nevada Tahoe regional planning agency must make prior to approving any project in the region. These findings shall 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.

(g) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, [and interim 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.

[(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.]

(h) 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, regulations and policies to effectuate the adopted regional [and interim plans.] *plan.* Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the [basin,] *region,* and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations *of the agency* shall contain general, regional 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; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the [interim plan or the general] *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 enactment of specific and local ordinances, rules, regulations and policies which conform to the [interim or general] *regional* plan.

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

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

[Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

(1) Was so licensed on February 5, 1968, or was licensed for a

limited season during any part of the calendar year immediately preceding February 5, 1968.

(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.]

(b) *No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved, except in accordance with a regional plan and ordinances meeting the requirements of this compact. The agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (f) of Article V. Such findings shall be based on substantial evidence in the record.*

Before adoption by the agency of the ordinances required in subdivision (f) of Article V, the agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, 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 January 1, 1982, whichever is earlier:

(1) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles.

(2) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the amendments to this compact. This paragraph does not apply to parking garages.

(3) No new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact.

(4) No apartment building or condominium may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the amendments to this compact.

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

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

(B) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

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

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

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

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

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

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume and land coverage existing or approved on May 4, 1979.

(f) 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.

(g) 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.

(h) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties [,] and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. [Each such

action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court.] *This provision does not purport to deprive the federal courts of any jurisdiction otherwise provided by law.* For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

[(c)] *Legal actions arising out of this compact must be brought as follows:*

(1) A civil or criminal action challenging an activity by the agency or any person, which is with respect to, undertaken or to be undertaken upon a parcel of real property, shall be brought in the state or federal judicial district where the real property is situated. If the real property is situated in more than one such judicial district, such action shall be brought in the judicial district where the majority of the challenged activity occurs or is to occur.

(2) If the action relates only to the validity or interpretation of this compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, and does not relate to an activity upon specific real property, the action may be brought in any judicial district which includes a part of the region.

Any aggrieved person may file an action in the appropriate court of the State of California or Nevada or of the United States alleging noncompliance with any provision of this compact or of any plan or ordinance adopted thereunder. In the case of governmental agencies, "aggrieved person" means any federal, state or local government agency. In the case of any person other than a governmental agency, "aggrieved person" means any person who has appeared in person or through an authorized representative, or submitted his views 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 or submitting such a statement.

A legal action arising out of or alleging violation of this compact shall be commenced within 90 days after final action by the agency. If no action by the agency is involved, such a legal action shall be filed within 90 days after discovery of the violation.

Notice of final action by the agency must 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.

Judicial review must be conducted by the court without a jury and must be confined to the record and to issues substantially raised before the agency. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the person seeking judicial review have been prejudiced.

[Except as otherwise provided in paragraph (d), all] *(i) All* public works projects shall be reviewed prior to construction and approved, *modified or rejected* by the agency *after a finding* as to the project's compliance with the [adopted] regional [general] plan.

[(d)] *(j)* All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect [, or may specifically apply, to] the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan, [or interim plan,] and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. [A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

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

[(f) Violation of any ordinance of the agency is a misdemeanor.]

(l) Any person or governmental entity who violates any provision of this compact is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $100,000 for each offense. In addition, any person or governmental entity who performs any development in violation of this compact, the regional plan or ordinances of the agency, or conditions of approval imposed by the agency is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $5,000 for each day in which such violation persists. If the violation occurs in California, one-half the amount of any civil fine imposed shall be deposited in the state general fund and one-half shall be deposited in the county general fund of the county in which the violation occurs. If the violation occurs in Nevada, the entire amount of any civil fine imposed shall be deposited in the state permanent school fund.

[(g)] *(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.

[(h)] *(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.

[(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

(j)] *(o)* Every record of the agency, whether public or not, shall be

open for examination to the [Legislative Analyst] *Legislature and Controller* of the State of California and the [Fiscal Analyst] *legislative auditor* of the State of Nevada.

[(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.]

(p) Approval by the agency or the Nevada Tahoe regional planning agency, as the case may be, of any project expires 3 years after the date of final action by either 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 or the Nevada Tahoe regional planning 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 and the Nevada Tahoe regional planning agency when acting upon matters that affect the region shall:

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

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

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

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

(C) Alternatives to the proposed project;

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

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

(F) Any significant irreversible and irretrievable commitments of

resources which would be involved in the proposed project should it be implemented; and

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

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

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

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

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

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

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

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

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

(2) Specific public and private 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 and the Nevada Tahoe regional planning 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 or commission 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 will therefore 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 [VII] *VIII.* Finances

(a) [Except as provided in paragraph (e), on] *On* or before [December] *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 [not more than $150,000] *$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. [Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sum from its general fund or from any other moneys available therefor.] *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. Apportionment of the state funds must be two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.*

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

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

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

(e) [As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

(1) For the remainder of the then-current fiscal year; and

(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

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

ARTICLE [VIII.] *IX.* 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 [paragraph] *subdivision* (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

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

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

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

SEC. 2. NRS 277.205 and 277.230 are hereby repealed.

SEC. 3. Chapter 518, Statutes of Nevada 1977, entitled "An Act relating to the Tahoe Regional Planning Agency; restricting certain gaming activities to certain places within the area under the control of the agency; providing changes in the composition of the agency's governing body; providing certain civil penalties; and providing other matters properly relating thereto," approved May 13, 1977, is hereby repealed, and chapter 502, Statutes of Nevada 1975, is not thereby revived.

SEC. 4. 1. The legislature of the State of Nevada finds that in order to make effective the regional plan as it is to be revised by the Tahoe Regional Planning 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.

2. From the effective date of the prohibition imposed by this section until the happening of one of the events provided in subsection 3 for its expiration, in that portion of the region defined in the Tahoe Regional Planning Compact which lies in the State of Nevada:

(a) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles.

(b) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the prohibition imposed by this section. This paragraph does not apply to parking garages.

(c) No new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the prohibition imposed by this section.

(d) No apartment building or condominium may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the prohibition imposed by this section.

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

(1) To accommodate development which is not prohibited or limited by this paragraph; or

(2) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

3. The prohibition imposed by this section:

(a) Becomes effective on the passage and approval of this act.

(b) Expires on:

(1) The date of ratification by Congress of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act; or

(2) The expiration of 60 days after it becomes effective, unless on or before that date an equivalent or stricter provision is enacted applying to that portion of the region which lies in the State of California,

whichever date is earlier.

SEC. 5. The secretary of state shall transmit a certified copy of section 1 of this act to the governor of the State of California, and two certified copies of this entire act to the secretary of state of California for delivery to the respective houses of its legislature. The governor of this state, as soon as:

1. He is officially advised that the State of California has enacted the amendment to the Tahoe Regional Planning Compact set forth in section 1 of this act; and

2. The Congress of the United States has approved such amendment,

shall proclaim that the compact has been so amended.

SEC. 6. 1. This section and sections 3, 4 and 5 of this act shall become effective upon passage and approval.

2. Sections 1 and 2 of this act shall become effective upon proclamation by the governor of this state of the enactment of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act by the State of California and their approval by the Congress of the United States.

Senators Lamb, Gibson and Jacobsen moved the previous question.
Motion carried.
The question being on the passage of Senate Bill No. 587.
Roll call on Senate Bill No. 587:
YEAS—14.
NAYS—Dodge, Ford, Hernstadt, Sloan, Young—5.
Absent—Keith Ashworth.

Senate Bill No. 587 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Close moved that Assembly Bill No. 745 be taken from the Secretary's desk and be placed on the General File.
Remarks by Senators Kosinski and Close.
Motion carried.

Mr. President announced that a public hearing on Assembly Bill No. 503, as amended, will be held in Room 131 at 2:00 p.m., Sunday, May 27, 1979.
Mr. President appointed Senators Gibson, Dodge, Close, Kosinski, Ford, Don Ashworth and McCorkle as a Select Committee to hear public testimony on the amended version of Assembly Bill No. 503.

GENERAL FILE AND THIRD READING

Assembly Bill No. 420.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 1402.
Amend section 3, page 3, line 8, by deleting "[10th] *12th*" and inserting "10th".
Amend the bill as a whole, by deleting section 5 and renumbering sections 6 through 8 as sections 5 through 7.
Amend the bill as a whole, by deleting section 9 and renumbering sections 10 through 15 as sections 8 through 13.
Senator Wilson moved the adoption of the amendment.
Remarks by Senators Neal and Wilson.
Amendment adopted.
Senator Wilson moved that rules be suspended, that the reprinting of Assembly Bill No. 420 be dispensed with, and that the Secretary be authorized to insert the amendment adopted by the Senate.
Motion carried unanimously.
Roll call on Assembly Bill No. 420:
YEAS—18.
NAYS—None.
Absent—Keith Ashworth, Echols—2.

Assembly Bill No. 420 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered reprinted, re-engrossed and transmitted to the Assembly.

Assembly Bill No. 814.
Bill read third time.

undertakes the operation of a public utility shall first submit a certified copy of the trust documents or prepared trust documents to the commission together with a detailed explanation of the purposes, scope, area to be affected and such other pertinent information necessary to assist the commission in making a determination as to whether the service presently being offered by any existing public utility would be unreasonably impaired by the approval of such trust documents.

2. The commission shall, after investigation and hearing on any contemplated trust coming within the provisions of subsection 1, submit a report of its findings and reasons therefor to the state and each political subdivision within which such trust contemplates operation. Such trust shall not become effective unless and until written approval has been given by the commission.

3. If a municipality assumes operation and control of a package plant for sewage treatment pursuant to the provisions of section 3.6 or subsection 2 or 3 of section 11 of this act, the plant is exempt from the jurisdiction of the commission only for the period of time the municipality continues the maintenance and operation of the plant. The certificate of public convenience as it applies to that plant is suspended for that period of time.".

Amend the bill as a whole by renumbering section 11 as section 15.

Senator Kosinski moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 503.

Bill read third time.

The following amendment was proposed by Senator Young:

Amendment No. 1428.

Amend section 1, page 14, by deleting lines 38 through 41 and inserting:

"(3) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(4) Except as otherwise provided in this paragraph, no apartment building or condomimium may be erected unless a".

Amend section 1, page 14, line 44, by inserting after period *"A condomimium may be erected on land owned by a general improvement district if erection of the condominium is necessary to avoid insolvency of the district.".*

Amend section 4, page 22, by deleting lines 17 through 20 and inserting:

"(c) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the prohibition imposed by this section. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(d) Except as otherwise provided in this paragraph, no apartment building or condominium may be erected unless a".

Amend section 4, page 22, line 23, by inserting after period "A condominium may be erected on land owned by a general improvement district if erection of the condominium is necessary to avoid insolvency of the district.".

Senator Young moved the adoption of the amendment.

Remarks by Senators Young, Neal, Dodge, McCorkle and Ford.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1428 to Assembly Bill No. 503.

Amendment adopted.

The following amendment was proposed by Senator Sloan:

Amendment No. 1429.

Amend section 1, page 14, line 41, by deleting *"or condominium"*.

Amend section 1, page 22, line 20, by deleting *"or condominium"*.

Senator Sloan moved the adoption of the amendment.

Remarks by Senators Sloan and Young.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1429 to Assembly Bill No. 503.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senator Gibson moved that the Senate recess until 4:00 p.m.

Motion carried.

Senate in recess at 1:18 p.m.

SENATE IN SESSION

At 5:20 p.m.

President Leavitt presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 27, 1979

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate amendments to Assembly Bills Nos. 348, 589.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 590.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 523, which was returned from enrollment for the purpose of effecting a technical amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 47.

Also, I have the honor to inform your honorable body that the Assembly appointed Assemblymen Sena, Stewart and Hayes as a first Committee on Conference concerning Assembly Bill No. 70.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 519.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 98.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate amendments to Assembly Bill No. 17.

(REPRINTED WITH ADOPTED AMENDMENTS)
FIFTH REPRINT

A. B. 503

ASSEMBLY BILL NO. 503—ASSEMBLYMEN DINI, MELLO, MAY, WAGNER AND WEISE

MARCH 5, 1979

Referred to Committee on Government Affairs

SUMMARY—Changes structure and substantive requirements of Tahoe Regional Planning Agency. (BDR 22-1950)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to the Tahoe Regional Planning Agency; changing the composition of its governing body and the requirements for making decisions; restricting certain gaming activities to certain places within the region; changing penalties; and providing other matters properly relating thereto.

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 [the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its man-made environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of

enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan, of resource conservation [and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.] :

(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, 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) There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region.

(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 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 policies, regulations and public laws applying to the region shall be interpreted and administered by the Tahoe Regional Planning Agency in accordance with the policies set forth in this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region" includes Lake Tahoe, the adjacent parts of [the Counties of Douglas, Ormsby, and Washoe] *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" [shall mean] *means* the long-term general plan for the development of the region.

(e) ["Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.

(f)] "Planning commission" means the advisory planning commission appointed pursuant to [paragraph] *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 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) "Area within a structure open to public use" means all area within a structure housing gaming under a nonrestricted license except:

(1) The area which is devoted to the private use of guests, including hotel rooms and hallways to serve that area; and

(2) Any parking area.

(l) "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:

[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. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

(1) A member of the board which appoints him; and

(2) A resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance.

A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation, he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.]

(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 shall make such appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region within the State of Nevada.

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

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

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing 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 has a direct or indirect investment worth more than $1,000.

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

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

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

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

(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 oftener 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 two 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) [A majority] *Four* of the members of the governing body from each state [shall] constitute a quorum for the transaction of the business of the agency. [A majority vote of the members present representing each state shall be required to take action with respect to any matter. The] *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, 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. No variances from provisions of the regional plan or the implementing ordinances and regulations shall be granted except pursuant to procedures established by ordinance, and any such ordinance shall be enacted by the voting procedure described in this paragraph.

(2) For approving a project, the affirmative vote of at least four members from the state in which the project is located and the affirmative vote of at least eight members of the governing body are required. If at least four members of the governing body from the state in which the project is located and at least eight 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. Decisions by the agency shall be supported by findings.

(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 proposal, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such proposal, within 180 days after such proposal is delivered to 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. [, which shall consist of an equal number of members from each

state.] The commission shall include; [but shall not be limited to;] the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of [the Counties of] Douglas [, Ormsby, and] *County,* Washoe *County and Carson City* in Nevada, [the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee,] the Chief of the Bureau of Environmental Health of the Health Division of the Department of [Health, Welfare and Rehabilitation] *Human Resources* of the State of Nevada, [or his designee,] the executive officer of the Lahontan Regional Water Quality Control Board [or his designee,] *of the State of California,* the executive officer of the [Tahoe Regional Planning Agency who shall act as chairman,] *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 Lake Tahoe Management Unit of the United States Forest Service,* and at least four lay members [each] *with an equal number from each state, at least half* of whom shall be [a resident] *residents* of the region. *Any official member may designate a substitute.*

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

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

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

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

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

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. [Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.]

ARTICLE IV. Personnel

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

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

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

ARTICLE V. Planning

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

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

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

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

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

the governing body shall complete its action on such amendment within [60] *180* days after such request is [delivered to] *accepted as complete according to standards which must be prescribed by ordinance of* the agency.

[Tahoe Regional Plan]

(b) [Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the] *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 one 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, implementation of the plan and all of its elements 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. 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* include *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, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. *The goal of transportation planning shall be to reduce dependency on the automobile by making better use of the existing transportation system, and where increases in capacity are required, the agency shall consider and 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 that a transit district shall be established in the region. The specific responsibility, jurisdiction, representation and revenue authority of the transit district shall be developed in the regional transportation planning process and be incorporated in the plan. A representative designated by the Nevada department of highways (or transportation) and a representative designated by the California department of transportation shall be included as members of the board of commissioners of the transit district.

(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.

[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 individuals.

(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

Tahoe Regional Interim Plan

(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an

interim basis in accordance with the substantive powers granted to it in this agreement.

(c)] *(d) Prior to revision of the regional plan and adoption of ordinances by the agency as required by subdivision (c) of Article V, the regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever is strictest, in the respective portions of the region for which the standards are applicable.*

The agency may, however, adopt at any time 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 January 1, 1979, 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 State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The agency shall adopt ordinances prescribing specific written findings that the agency and the Nevada Tahoe regional planning agency must make prior to approving any project in the region. These findings shall 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.

(g) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, [and interim 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.

[(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.]

(h) 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, regulations and policies to effectuate the adopted regional [and interim plans.] *plan.* Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the [basin,] *region,* and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations *of the agency* shall contain general, regional 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; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the [interim plan or the general] *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 enactment of specific and local ordinances, rules, regulations and policies which conform to the [interim or general] *regional* plan.

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

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

[Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

(1) Was so licensed on February 5, 1968, or was licensed for a

limited season during any part of the calendar year immediately preceding February 5, 1968.

(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.]

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved, except in accordance with a regional plan and ordinances meeting the requirements of this compact. The agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (f) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (f) of Article V, the agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, 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 January 1, 1982, whichever is earlier:

(1) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles.

(2) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the amendments to this compact. This paragraph does not apply to parking garages.

(3) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(4) Except as otherwise provided in this paragraph, no apartment building may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the amendments to this compact. A condominium may be erected on land owned by a general improvement district if erection of the condominium is necessary to avoid insolvency of the district.

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

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

(B) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

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

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

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

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

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

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume and land coverage existing or approved on May 4, 1979.

(f) 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.

(g) 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.

(h) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states,

counties [,] and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. [Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court.] *This provision does not purport to deprive the federal courts of any jurisdiction otherwise provided by law.* For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

[(c)] *Legal actions arising out of this compact must be brought as follows:*

(1) A civil or criminal action challenging an activity by the agency or any person, which is with respect to, undertaken or to be undertaken upon a parcel of real property, shall be brought in the state or federal judicial district where the real property is situated. If the real property is situated in more than one such judicial district, such action shall be brought in the judicial district where the majority of the challenged activity occurs or is to occur.

(2) If the action relates only to the validity or interpretation of this compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, and does not relate to an activity upon specific real property, the action may be brought in any judicial district which includes a part of the region.

Any aggrieved person may file an action in the appropriate court of the State of California or Nevada or of the United States alleging noncompliance with any provision of this compact or of any plan or ordinance adopted thereunder. In the case of governmental agencies, "aggrieved person" means any federal, state or local government agency. In the case of any person other than a governmental agency, "aggrieved person" means any person who has appeared in person or through an authorized representative, or submitted his views 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 or submitting such a statement.

A legal action arising out of or alleging violation of this compact shall be commenced within 90 days after final action by the agency. If no action by the agency is involved, such a legal action shall be filed within 90 days after discovery of the violation.

Notice of final action by the agency must 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.

Judicial review must be conducted by the court without a jury and must be confined to the record and to issues substantially raised before the agency. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the person seeking judicial review have been prejudiced.

[Except as otherwise provided in paragraph (d), all] *(l) All* public works projects shall be reviewed prior to construction and approved, *modified or rejected* by the agency *after a finding* as to the project's compliance with the [adopted] regional [general] plan.

[(d)] *(j)* All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect [, or may specifically apply, to] the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan, [or interim plan,] and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. [A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

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

[(f) Violation of any ordinance of the agency is a misdemeanor.]

(l) Any person or governmental entity who violates any provision of this compact is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $100,000 for each offense. In addition, any person or governmental entity who performs any development in violation of this compact, the regional plan or ordinances of the agency, or conditions of approval imposed by the agency is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $5,000 for each day in which such violation persists. If the violation occurs in California, one-half the amount of any civil fine imposed shall be deposited in the state general fund and one-half shall be deposited in the county general fund of the county in which the violation occurs. If the violation occurs in Nevada, the entire amount of any civil fine imposed shall be deposited in the state permanent school fund.

[(g)] *(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.

[(h)] *(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.

[(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

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

[(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.]

(p) Approval by the agency or the Nevada Tahoe regional planning agency, as the case may be, of any project expires 3 years after the date of final action by either 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 or the Nevada Tahoe regional planning 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 and the Nevada Tahoe regional planning agency when acting upon matters that affect the region shall:

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

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

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

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

(C) Alternatives to the proposed project;

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

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

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

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

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

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

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

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

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

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

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

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

(2) Specific public and private 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 and the Nevada Tahoe regional planning 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 or commission 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 will therefore 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 [VII] *VIII.* Finances

(a) [Except as provided in paragraph (e), on] *On* or before [December] *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 [not more than $150,000] *$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. [Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sum from its general fund or from any other moneys available therefor.] *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. Apportionment of the state funds must be two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.*

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

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

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

(e) [As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

(1) For the remainder of the then-current fiscal year; and

(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

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

ARTICLE [VIII.] *IX.* 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 [paragraph] *subdivision* (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

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

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

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

SEC. 2. NRS 277.205 and 277.230 are hereby repealed.

SEC. 3. Chapter 518, Statutes of Nevada 1977, entitled "An Act relating to the Tahoe Regional Planning Agency; restricting certain gaming activities to certain places within the area under the control of the agency; providing changes in the composition of the agency's governing body; providing certain civil penalties; and providing other matters properly relating thereto," approved May 13, 1977, is hereby repealed, and chapter 502, Statutes of Nevada 1975, is not thereby revived.

SEC. 4. 1. The legislature of the State of Nevada finds that in order to make effective the regional plan as it is to be revised by the Tahoe Regional Planning 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.

2. From the effective date of the prohibition imposed by this section until the happening of one of the events provided in subsection 3 for its expiration, in that portion of the region defined in the Tahoe Regional Planning Compact which lies in the State of Nevada:

(a) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles.

(b) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the prohibition imposed by this section. This paragraph does not apply to parking garages.

(c) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the prohibition imposed by this section. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(d) Except as otherwise provided in this paragraph, no apartment building may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the prohibition imposed by this section. A condominium may be erected on land owned by a general improvement district if erection of the condominium is necessary to avoid insolvency of the district.

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

(1) To accommodate development which is not prohibited or limited by this paragraph; or

(2) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

3. The prohibition imposed by this section:

(a) Becomes effective on the passage and approval of this act.

(b) Expires on:

(1) The date of ratification by Congress of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act; or

(2) The expiration of 60 days after it becomes effective, unless on or before that date an equivalent or stricter provision is enacted applying to that portion of the region which lies in the State of California,

whichever date is earlier.

SEC. 5. The secretary of state shall transmit a certified copy of section 1 of this act to the governor of the State of California, and two certified copies of this entire act to the secretary of state of California for delivery to the respective houses of its legislature. The governor of this state, as soon as:

1. He is officially advised that the State of California has enacted the amendment to the Tahoe Regional Planning Compact set forth in section 1 of this act; and

2. The Congress of the United States has approved such amendment,

shall proclaim that the compact has been so amended.

SEC. 6. 1. This section and sections 3, 4 and 5 of this act shall become effective upon passage and approval.

2. Sections 1 and 2 of this act shall become effective upon proclamation by the governor of this state of the enactment of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act by the State of California and their approval by the Congress of the United States.

Amend section 11, page 7, line 2, by deleting *"15"* and inserting *"14"*.

Senator Gibson moved that the Senate do concur in the Assembly amendment to Senate Bill No. 545.

Motion carried.

Bill ordered transmitted to the Assembly.

Mr. President announced that if there were no objections the Senate would recess subject to the call of the Chair.

Senate in recess at 8:42 p.m.

SENATE IN SESSION

At 9:27 p.m.

President Leavitt presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 524.

Bill read third time.

Roll call on Assembly Bill No. 524:

YEAS—17.

NAYS—None.

Absent—Keith Ashworth, Glaser, Lamb—3.

Assembly Bill No. 524 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 503.

Bill read third time.

The following amendment was proposed by Senator Gibson:

Amendment No. 1442.

Amend section 1, page 11, by deleting lines 1 and 2 and inserting: *"The plan may provide for the establishment of a transit district in the region. If it so provides, the specific responsibility, jurisdiction, representation and"*.

Amend section 1, page 11, line 4, by deleting *"plan. A"* and inserting *"plan, and a"*.

Amend section 1, page 13, by deleting lines 30 and 31 and inserting *"determined will have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will not be exempt"*.

Amend section 1, page 14, line 33, by deleting period and inserting *", except for the completion of the Loop Road in the States of Nevada and California."*.

Amend section 1, page 14, by deleting lines 47 through 49 and inserting *"effective date of the amendments to this compact."*.

Amend section 1, page 16, line 14, by deleting *"with respect to,"*.

Amend section 1, page 16, by deleting lines 18 and 19 and inserting *"brought in the judicial district where the greater part of the real property is situated."*.

Amend section 1, page 16, line 37, by deleting *"90"* and inserting *"60"*.

Amend section 1, page 16, line 39, by deleting *"90"* and inserting *"60"*.

Amend section 1, page 20, by deleting lines 6 and 7 and inserting *"which the agency has determined will have a significant effect on the environment and therefore will not be exempt from the requirement for the"*.

Amend section 1, page 20, line 11, by deleting *"not"*.

Amend section 4, page 22, line 12, by deleting period and inserting ", except for the completion of the Loop Road in the States of Nevada and California.".

Amend section 4, page 22, by deleting lines 26 through 29 and inserting "effective date of the prohibition imposed by this section.".

Senator Dodge moved the adoption of the amendment.

Remarks by Senator Dodge.

Senator Jacobsen requested that all remarks pertaining to Assembly Bill No. 503 be entered in the Journal:

SENATOR DODGE:

Mr. President, I was asked by Senator Gibson, who chaired the Select Committee this afternoon at the hearing, to follow these amendments and explain them on the floor. I want to report at the outset that I thought that there were not substantial criticisms offered this afternoon of the amendments which had been worked on all these weeks by the negotiating group.

I don't think the amendments which we're proposing seriously change the concept of the amendments that have been worked on.

Let me go down through the substantive changes that are being proposed. You need to be looking at the fifth reprint of the bill. We adopted Senator Young's amendments this morning and sent this bill to reprint, we got it late this afternoon and these now are further amendments and so you should be looking at the fifth reprint to follow this.

The first amendment is on page eleven of the fifth reprint. The top of the page deletes lines one and two. That language, speaking to the transportation plan, mandates the creation of a transit district. We didn't feel that that should be mandated necessarily in the compact. We thought it ought to be looked at and given some priority consideration, but not mandated. So the substance of this amendment is to the effect that the plan may provide for the establishment of a transit district in the region. Then the rest of the language blends in with the language that follows that.

The next one is on page thirteen, Section One, lines thirty and thirty-one.

The language that now reads in the fifth reprint says "the agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region will therefore be exempt from its review and approval."

The testimony was that this places a burden of proof on people who are applicants for single residence construction and among other things at a later point in the compact they actually have to comply with an environmental statement requirement on a single residence. Now we didn't feel that that burden should be on the single residence applicant, so we changed the thrust of it by saying in the amendment starting on line twenty-nine, "The agency shall prescribe by ordinance those activities which it has determined will have substantial effect on the land, water, air, space or any other natural resources in the region, and therefore will not be exempt." Now under that concept, it's believed that the single-family residences applications will not have that substantial an effect on the land, water, air, space and so on and therefore it will remove them from the requirement of an environmental impact statement. So it simply changes the burden by removing the "not" from the language "will not have substantial" to changing it to say that they will make a finding on the things that will have a substantial effect and that those things will not be exempt.

Now, then on page fourteen, this is a fairly important one, in the middle of page fourteen it addresses the moratorium that we've heard some discussion about and which would be in effect as far as the practical application until January 1, 1982.

Beginning on line thirty-two, one of the things that's frozen under the moratorium is that no new highway may be built or exisiting highway widened to accomodate additional continuous lanes for automobiles.

The concern was that even though Nevada and California might finally work out a mutually agreed upon plan to go ahead and complete the Loop Road, this would, in effect, not permit it. So what we've done is come in on line thirty-three, following that existing language, and after the wording "accomodate additional continuous lanes for automobiles", put in a comma and then created an exception, which says "except for the completion of the Loop Road in the States of Nevada and California." Now this is where we had to send the amendment back, a little while ago, for a little refinement. This is a little sensitive. We don't want to make any inference in here that it's mandated; we don't want to make any inference as to any approval, either by the present crowd or some newly created crowd under the compact, and that the Loop Road would have to go through all that procedure. All we want to do is make clear that it is exempt from the moratorium, so that if, in fact, the two States get together between now and 1982, they could complete the Loop Road.

Then on page sixteen, line fourteen, and this has to do with the venue. We are reading on that line the language "with respect to." The present language says, "A civil or criminal action challenging any activity by the agency or any person, which is with respect to, undertaken or to be undertaken upon a parcel of real property." We were concerned about the fact that that "with respect to" language was a little too broad and the courts might construe it in a lot of ways, and really what we're talking about here is a piece of property upon which there would be an activity undertaken or to be undertaken, so we are omitting the language "with respect to", that phrase.

Further down in that same section there has been some problem with the language on line eighteen, "If the real property is situated in more than one judicial district", and in this case that would mean where the property splits the State line, and Harrah's is in that category and I understand that Cal-Neva on the north end of the Lake is too. That's where it's in two judicial districts, one in California and one in Nevada. Under those conditions such action shall be brought in the judicial district where the present language is "the majority of the challenged activity occurs." There's been some strange constructions of that wording "the challenged activities", so we thought we'd better straighten that out and we have inserted the language, "will be brought in the judicial district where the greater part of the real property is located." So that means if most of the property is on the Nevada side, you've got to bring the suit in the Nevada courts, you can't take it into California simply because one-tenth of the acreage is over on the California side.

Further down on page sixteen on lines thirty-six and thirty-seven, "a legal action arising out or alleging violation of this compact should be commenced within ninety days after final action by the agency"; we have shortened that term to sixty days, from ninety to sixty.

On page twenty, lines six and seven track the same language and the same problem on a single-family residence. That language says, "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 will therefore be exempt from the requirement for the preparation of an environmental impact statement." Now, we've again turned the burden of that around by saying, commencing on line six, "which the agency has determined will have a significant effect on the environment and therefore, will not be exempt from the requirement for the preparation of an environmental impact statement." Now again, we concede that by doing this we will remove from the applicant for a single-family residence the requirement of filing an environmental impact statement.

The language on the second page is more language which conforms that particular part having to do with the single-family residence, that isn't substansive and then the last one that is of importance is amending section four, page twenty-two by, this again refers to the Loop Road on line twelve. Line eleven on page twenty-two, the language now is, "No new highway may be built or existing highway widened to accommocate additional continuous lanes for automobiles", and then again we bring in the Loop Road language, and the new language, "except for the completion of the Loop Road in the States of Nevada and California", and that tracks the same language that we used earlier in the amendments.

There is one more amendment but these are the amendments that resulted from our hearing this afternoon and again, I'd like to point out to you that I don't think

they're all that dramatic a change in all the work that's been going on all these weeks by the negotiating committee and I personally am reassured about the validity of the negotiations.

I'd like to tell the Senate that I don't think these are major. When you finally get down to the last analysis the language which has developed are not major criticisms of the negotiations. With that, Mr. Chairman, I would recommend the adoption of the amendments.

There is one more amendment which we'll address after we adopt these, but if there are any questions on these amendments I'd be glad to try to answer them.

I would like to say also, I think there was a fair degree of unanimity among the people that sat on this Select Committee supporting these particular amendments.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1442 to Assembly Bill No. 503.

Amendment adopted.

The following amendment was proposed by Senator Jacobsen:

Amendment No. 1443.

Amend section 1, page 16, by inserting between lines 35 and 36:

"No restraining order or preliminary injunction may issue, based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto, except upon the giving of security by the applicant in a sum equal to the costs and damages which the court finds may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.".

Senator Dodge moved the adoption of the amendment.

Remarks by Senators Dodge, Neal, Hernstadt and Wilson.

SENATOR DODGE:

Mr. President, this was an amendment which was discussed at our hearing this afternoon but it had been previously requested by Senator Jacobsen, and had been prepared, and so it appears as a separate amendment.

It's on page sixteen, following line thirty-five, and I want to say that that paragraph completed on line thirty-five starts out on line twenty-five saying, "Any aggrieved person may file an action", and so on.

This then logically follows as an insert, following line thirty-five. This one addresses a problem which most of us in Nevada know has existed up there at the Lake on suits which are frivolously brought, or are brought in the nature of an harassment or are brought in the nature of a delaying action. These things not only postpone developmental activities up there indefinitely, some of them still being postponed, but in addition to that, it costs not only a lot of money to people who have been delayed in development plans, but also in legal defenses. So we want to bring some sense of responsibility into the filing of these kinds of actions. This does not preclude any filing, but this amendment says "that no restraining order or preliminary injunction may issue, based upon an alleged violation of this compact, or any ordinance, plan, rule or regulation adopted pursuant thereto, except upon the giving of security by the applicant." Now this means the person who files the suit, will have to put up a bond, we hope, "in a sum equal to the cost in damages which the court finds may be incurred or suffered by any party who was found to have been wrongfully enjoined to restrain." What we intend this to mean, is that it will place an affirmative responsbility upon a judge to make a finding of prospective costs in damages resulting from the stopping of the project. And, if, in fact, the action does not prevail, the defendant in the suit is reimbursed for those costs and damages. Now if this, in fact, is carried out there'll be a little more soul searching going on by people before they file these kinds of actions. If, in fact, the action is brought in good faith and the people feel that the cause is good, they have every right and this procedure will be followed. On the other hand, it's a two-way street and if the person who has been sued, without proper legal foundation, he will in turn be reimbursed and made whole for his damages as a result of the litigation and delay.

That is the purport of that amendment, Mr. Chairman, and I would recommend its adoption by the Senate.

SENATOR NEAL:

Mr. President, in order to get the real effect of Amendment No. 1443 and what it does, you have to read it with the other amendment that has been adopted.

The two amendments put together would say, in essence, that once a bi-state compact has been completed, the only way that someone could sue the hotels that reside on our side of the Lake, is to sue them in the Federal Court that is situated within the State of Nevada.

By adoption of this language, no person of meager means can ever challenge any big developer on that basis. Occasionally, a person might bring an action based on some harm that he thinks will occur, and he seeks to get a temporary restraining order to shut off that action. In doing so, if work is in progress and people have to be laid off, then that person is going to be charged with the cost of that layoff by putting up a bond.

I don't know where this has been done. The only thing it says to me is that those persons who have to engage in these law suits and defend them, are saying that they do not want to be fooled. I think one of the rights that we have in America is that if you feel that something is wrong, you can bring a law suit. I don't think you can legally place a roadblock to keep a person from doing that by saying that he has to put up a bond equal to the cost and damage that may occur.

Additionally, in adopting this amendment, you are requiring the court to make a finding. The court has to make a finding. One of the things that I have learned, Mr. President, in dealing with this compact, is that the law, as written, has to be interpreted. When you force the courts to to make a finding as to the costs and damage, then what you are saying, in essence, is that nobody of meager means can ever bring an action against one of the big hotels up at the Lake. Only hotels can bring an action against hotels under this. No home owner who lives up there, who has bought his home and feels he might be damaged by another big developer, can bring an action under this amendment.

In fact, you are foreclosing the individual property owner that you say you are trying to help, from bringing an action by passing this amendment.

SENATOR DODGE:

Mr. President, I should have explained this a little more. That isn't exactly so, you can file the action. This has to do with stopping the progress of the work. This addresses, in the first line, the restraining order or the preliminary injunction. Now if you want to file the action against the person and not ask for the restraining order, then you don't have to put up the bond. But when you want to stop the work, that's the point at which this requires the security. Now I'll point out to Senator Neal, that the present rules of civil procedure on security, words this just a little bit differently, but it exists in the law. That rule says "no restraining order or preliminary injunction shall issue, except upon the giving of security by the applicant in such sum as the court deems proper." Now this wording is a little bit different than the court deems proper. "For the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined to restraint." That's virtually the same language that's in the rules of civil procedure now. It applies only if you seek to stop the work.

SENATOR HERNSTADT:

Mr. President, in further clarification to Senator Neal's question, what a temporary restraining order is, is an order that stops work on the project before the judge has weighed all the evidence and determined the merits of the case.

In other words, it is in effect, granting your position as the person that's suing even though you haven't proved your case. If it turns out that the merits of the case were evaluated and you lose, then the person you've delayed for two or three years in a multi-million dollar project has lost interest and may have lost millions of dollars. There is one case that was testified to this afternoon where there was a two thousand dollar bond put up and the affected party, literally, lost millions of dollars.

What you can do if you don't have wealth, you can bring such an action, without the temporary restraining order, and if it is well-founded, the bank will probably not loan the money. If they go ahead and build the project without the temporary restraining order, and you succeed in your case, then they will have to take the project down. That would happen after the judge makes his ruling. Therefore, the poor person still has an out.

SENATOR NEAL:

Mr. President, I don't want to belabor this point, but just recently the Supreme Court of the United States ruled that the Tahoe Basin was subject to federal jurisdiction. To me, this ruling means that any action that is brought may or may not come into Nevada courts but may, very well, go to the Federal courts, so here our civil procedures may not apply. So I'm talking about a situation whereby we write into the compact language enforcing the judge to make a finding of damage. Once we put this into the compact, he has to make a finding of damage once somebody files an action. In doing that, the person will automatically then have to come up with a bond. The only thing I'm saying is that this is wrong, and I think it's also unconstitutional.

SENATOR WILSON:

Mr. President, the Nevada Rules for Civil Procedure are virtually identical with the Federal. In all but one or two instances, and those I don't think are substantive, the rules are virtually identical word for word. That requirement is applicable in the Federal Court to a litigant there.

Senator Dodge moved the adoption of the amendment.

Remarks by Senators Dodge, Neal, Hernstadt and Wilson.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Amendment No. 1443 to Assembly Bill No. 503.

Amendment adopted.

Senator Neal requested the record of the Senate reflect that he voted "Nay" on Senate Amendment Nos. 1442 and 1443 to Assembly Bill No. 503.

Senator Gibson moved that rules be suspended, that the reprinting of Assembly Bill No. 503 be dispensed with, and that the Secretary be authorized to insert the amendments adopted by the Senate.

Motion carried unanimously.

Senator Young requested that the record of the Senate reflect that he would abstain from voting on Assembly Bill No. 503.

Roll call on Assembly Bill No. 503:

YEAS—16.

NAYS—Neal.

Absent—Keith Ashworth, Lamb—2.

Not voting—Young.

Assembly Bill No. 503 having received a constitutional majority, Mr. president declared it passed, as amended.

Bill ordered reprinted, re-engrossed and transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Jacobsen requested that the following remarks pertaining to Assembly Bill No. 503 be entered in the Journal:

SENATOR WILSON:

Mr. President, I've been asked to make it abundantly clear for the record, that in the course of adopting these amendments and in passing the bill, that the intent of this body be made explicitly clear. With respect to the California transportation plan, it is our intent that it not be adopted as the minimum standard on the California side and that it not be done inferentially or by inclusion indirectly in the air quality plan or the air quality implementation plan which may be adopted and applicable on the California side. I think the language of the bill is clear to that effect. It certainly has been discussed at length during our bi-state negotiations.

SENATOR GIBSON:

Mr. President, I would just like to comment on the route this bill has taken. I'm sorry that Senator Neal didn't feel like he could vote for the bill finally, because he

has worked very hard on this bill. He has put in a lot of hours and whether he will accept it or not, I think the bill is an acknowledgment of his hard work that went into bringing it to this point. The same is true of Senator Wilson and Senator Jacobsen and their counterparts in the Assembly. I also think the record should show that it's the desire of the Senate that the Tahoe compact be sustained. We recognize it's importance to both the State of Nevada and the State of California as well as the Nation. I hope when our counterparts in California look at the record, they will recognize the arduous path that this bill has taken, the hard work that has been done and the desire to reach accomodation in this bill towards their wishes.

SENATOR JACOBSEN:

I'd certainly be remiss if I didn't tell this body how diligently that Senator Wilson has served on the ad hoc committees from the very beginning.

I also give some credit to Senator Neal but if it hadn't been for Senator Wilson, this thing would have fallen apart a long time ago. With his perseverance and his ability as a distinguished lawyer, he really did a job that I can say I'm truly proud of and I think every member of the Senate can be proud of.

This is the first time since this compact began that I've ever voted for it.

I also would like to thank Senator Dodge for finally pulling our act together, which I think was a necessity and that inspiration came from Senator Gibson.

I think all in all, we've certainly done our work this session and I know a lot of it has been very frustrating. I felt that it never could conclude in anything successful, but I'm really pleased at the conclusion this evening and I certainly want to extend my personal thanks to Senator Wilson, Senator Dodge, and Senator Neal and each and everyone that contributed to it, including the staff who, I think performed a very dignified service under the circumstances.

Fred Welden, I'm sure, one or two nights was ready to quit, as we were, and I'm sure that his wife at home was ready to quit too. Realizing that they had a new baby at home that didn't allow Fred to have much sleep, but he was always here and very attentive and so once again, I thank everybody for his efforts.

SENATOR WILSON:

Mr. President, I would particularly like to express my thanks to Fred Welden of our Senate research staff. Too often, our staff works very hard and is not adequately acknowledged. I am very proud of the staff of the legislature.

Fred Welden put in yeoman hours and showed great skill, knowledge, background and ability in dealing with all the problems, which were technical and intricate, involved and difficult. I want to state here on the Senate floor, that it was a delight for all of us to work with him. He was an essential part of both the negotiation and the legislative process and contributed greatly. I want him to know that all of us who worked with him in particular, and the Senate generally, thank him very much. If this legislature does amend the bi-state compact for Lake Tahoe upon agreement by California and ratification by the U.S. Congress, a large measure of the credit for that achievement shall belong to Fred Weldon.

GENERAL FILE AND THIRD READING

Assembly Bill No. 541.

Bill read third time.

Remarks by Senator Kosinski.

Roll call on Assembly Bill No. 541:

YEAS—18.

NAYS—None.

Absent—Keith Ashworth, Lamb—2.

Assembly Bill No. 541 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Wilson, the privilege of the floor of the Senate Chamber for this day was extended to Mr. Tom Wilson and Master John Wilson.

(REPRINTED WITH ADOPTED AMENDMENTS)
SIXTH REPRINT

A. B. 503

ASSEMBLY BILL NO. 503—ASSEMBLYMEN DINI, MELLO, MAY, WAGNER AND WEISE

MARCH 5, 1979

Referred to Committee on Government Affairs

SUMMARY—Changes structure and substantive requirements of Tahoe Regional Planning Agency. (BDR 22-1950)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to the Tahoe Regional Planning Agency; changing the composition of its governing body and the requirements for making decisions; restricting certain gaming activities to certain places within the region; changing penalties; and providing other matters properly relating thereto.

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 [the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its man-made environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of

enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan, of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.] :

(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, 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) There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region.

(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 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 policies, regulations and public laws applying to the region shall be interpreted and administered by the Tahoe Regional Planning Agency in accordance with the policies set forth in this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of [the Counties of Douglas, Ormsby, and Washoe] *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" [shall mean] *means* the long-term general plan for the development of the region.

(e) ["Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.

(f)] "Planning commission" means the advisory planning commission appointed pursuant to [paragraph] *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 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) "Area within a structure open to public use" means all area within a structure housing gaming under a nonrestricted license, except:

(1) The area which is devoted to the private use of guests, including hotel rooms and hallways to serve that area; and

(2) Any parking area.

(l) "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:

[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. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

(1) A member of the board which appoints him; and

(2) A resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance.

A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation, he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.]

(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 shall make such appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region within the State of Nevada.

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

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

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing 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 has a direct or indirect investment worth more than $1,000.

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

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

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

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

(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 oftener 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 two 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) [A majority] *Four* of the members of the governing body from each state [shall] constitute a quorum for the transaction of the business of the agency. [A majority vote of the members present representing each state shall be required to take action with respect to any matter. The] *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, 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. No variances from provisions of the regional plan or the implementing ordinances and regulations shall be granted except pursuant to procedures established by ordinance, and any such ordinance shall be enacted by the voting procedure described in this paragraph.

(2) For approving a project, the affirmative vote of at least four members from the state in which the project is located and the affirmative vote of at least eight members of the governing body are required. If at least four members of the governing body from the state in which the project is located and at least eight 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. Decisions by the agency shall be supported by findings.

(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 proposal, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such proposal, within 180 days after such proposal is delivered to 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. [, which shall consist of an equal number of members from each

state.] The commission shall include; [but shall not be limited to:] the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of [the Counties of] Douglas [, Ormsby, and] *County,* Washoe *County and Carson City* in Nevada, [the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee,] the Chief of the Bureau of Environmental Health of the Health Division of the Department of [Health, Welfare and Rehabilitation] *Human Resources* of the State of Nevada, [or his designee,] the executive officer of the Lahontan Regional Water Quality Control Board [or his designee,] *of the State of California,* the executive officer of the [Tahoe Regional Planning Agency who shall act as chairman,] *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 Lake Tahoe Management Unit of the United States Forest Service,* and at least four lay members [each] *with an equal number from each state, at least half* of whom shall be [a resident] *residents* of the region. *Any official member may designate a substitute.*

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

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

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

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

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

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. [Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.]

ARTICLE IV. Personnel

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

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

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

ARTICLE V. Planning

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

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

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

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

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

the governing body shall complete its action on such amendment within [60] *180* days after such request is [delivered to] *accepted as complete according to standards which must be prescribed by ordinance of* the agency.

[Tahoe Regional Plan]

(b) [Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the] *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 one 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, implementation of the plan and all of its elements 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. 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* include *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, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. *The goal of transportation planning shall be to reduce dependency on the automobile by making better use of the existing transportation system, and where increases in capacity are required, the agency shall consider and 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 may provide for the establishment of a transit district in the region. If it so provides, the specific responsibility, jurisdiction, representation and revenue authority of the transit district shall be developed in the regional transportation planning process and be incorporated in the plan, and a representative designated by the Nevada department of highways (or transportation) and a representative designated by the California department of transportation shall be included as members of the board of commissioners of the transit district.

(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.

[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 individuals.

(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

Tahoe Regional Interim Plan

(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an

interim basis in accordance with the substantive powers granted to it in this agreement.

(d) Prior to revision of the regional plan and adoption of ordinances by the agency as required by subdivision (c) of Article V, the regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever is strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt at any time 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 January 1, 1979, 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 State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The agency shall adopt ordinances prescribing specific written findings that the agency and the Nevada Tahoe regional planning agency must make prior to approving any project in the region. These findings shall 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.

(g) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, [and interim 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.

[(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.]

(h) 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, regulations and policies to effectuate the adopted regional [and interim plans.] *plan.* Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the [basin,] *region,* and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations *of the agency* shall contain general, regional 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; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the [interim plan or the general] *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 enactment of specific and local ordinances, rules, regulations and policies which conform to the [interim or general] *regional* plan.

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

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

[Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

(1) Was so licensed on February 5, 1968, or was licensed for a

limited season during any part of the calendar year immediately preceding February 5, 1968.

(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.]

(b) *No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved, except in accordance with a regional plan and ordinances meeting the requirements of this compact. The agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (f) of Article V. Such findings shall be based on substantial evidence in the record.*

Before adoption by the agency of the ordinances required in subdivision (f) of Article V, the agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, 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 January 1, 1982, whichever is earlier:

(1) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles, except for the completion of the Loop Road in the States of Nevada and California.

(2) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the amendments to this compact. This paragraph does not apply to parking garages.

(3) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(4) Except as otherwise provided in this paragraph, no apartment building may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the amendments to this compact.

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

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

(B) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

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

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

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

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

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

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume and land coverage existing or approved on May 4, 1979.

(f) 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.

(g) 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.

(h) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states,

counties [,] and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. [Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court.] *This provision does not purport to deprive the federal courts of any jurisdiction otherwise provided by law.* For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

[(c)] *Legal actions arising out of this compact must be brought as follows:*

(1) A civil or criminal action challenging an activity by the agency or any person, which is undertaken or to be undertaken upon a parcel of real property, shall be brought in the state or federal judicial district where the real property is situated. If the real property is situated in more than one such judicial district, such action shall be brought in the judicial district where the greater part of the real property is situated.

(2) If the action relates only to the validity or interpretation of this compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, and does not relate to an activity upon specific real property, the action may be brought in any judicial district which includes a part of the region.

Any aggrieved person may file an action in the appropriate court of the State of California or Nevada or of the United States alleging noncompliance with any provision of this compact or of any plan or ordinance adopted thereunder. In the case of governmental agencies, "aggrieved person" means any federal, state or local government agency. In the case of any person other than a governmental agency, "aggrieved person" means any person who has appeared in person or through an authorized representative, or submitted his views 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 or submitting such a statement.

No restraining order or preliminary injunction may issue, based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto, except upon the giving of security by the applicant in a sum equal to the costs and damages which the court finds may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

A legal action arising out of or alleging violation of this compact shall be commenced within 60 days after final action by the agency. If no action by the agency is involved, such a legal action shall be filed within 60 days after discovery of the violation.

Notice of final action by the agency must 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.

Judicial review must be conducted by the court without a jury and must be confined to the record and to issues substantially raised before

the agency. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the person seeking judicial review have been prejudiced.

[Except as otherwise provided in paragraph (d), all] *(i) All* public works projects shall be reviewed prior to construction and approved, *modified or rejected* by the agency *after a finding* as to the project's compliance with the [adopted] regional [general] plan.

[(d)] *(j)* All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect [, or may specifically apply, to] the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan, [or interim plan,] and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. [A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

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

[(f) Violation of any ordinance of the agency is a misdemeanor.]

(l) Any person or governmental entity who violates any provision of this compact is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $100,000 for each offense. In addition, any person or governmental entity who performs any development in violation of this compact, the regional plan or ordinances of the agency, or conditions of approval imposed by the agency is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $5,000 for each day in which such violation persists. If the violation occurs in California, one-half the amount of any civil fine imposed shall be deposited in the state general fund and one-half shall be deposited in the county general fund of the county in which the violation occurs. If the violation occurs in Nevada, the entire amount of any civil fine imposed shall be deposited in the state permanent school fund.

[(g)] *(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.

[(h)] *(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.

[(i) Whenever a new city is formed within the region, the membership

of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

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

[(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.]

(p) Approval by the agency or the Nevada Tahoe regional planning agency, as the case may be, of any project expires 3 years after the date of final action by either 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 or the Nevada Tahoe regional planning 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 and the Nevada Tahoe regional planning agency when acting upon matters that affect the region shall:

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

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

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

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

(C) Alternatives to the proposed project;

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

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

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

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

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

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

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

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

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

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

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

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

(2) Specific public and private 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 and the Nevada Tahoe regional planning 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 or commission 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 have a significant effect on the environment and therefore will not 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 have a significant effect on the environment.

ARTICLE [VII] *VIII.* Finances

(a) [Except as provided in paragraph (e), on] *On* or before [December] *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 [not more than $150,000] *$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. [Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sum from its general fund or from any other moneys available therefor.] *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. Apportionment of the state funds must be two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.*

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

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

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

(e) [As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

(1) For the remainder of the then-current fiscal year; and

(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

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

ARTICLE [VIII.] *IX.* 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 [paragraph] *subdivision* (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

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

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

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

SEC. 2. NRS 277.205 and 277.230 are hereby repealed.

SEC. 3. Chapter 518, Statutes of Nevada 1977, entitled "An Act

relating to the Tahoe Regional Planning Agency; restricting certain gaming activities to certain places within the area under the control of the agency; providing changes in the composition of the agency's governing body; providing certain civil penalties; and providing other matters properly relating thereto," approved May 13, 1977, is hereby repealed, and chapter 502, Statutes of Nevada 1975, is not thereby revived.

SEC. 4. 1. The legislature of the State of Nevada finds that in order to make effective the regional plan as it is to be revised by the Tahoe Regional Planning 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.

2. From the effective date of the prohibition imposed by this section until the happening of one of the events provided in subsection 3 for its expiration, in that portion of the region defined in the Tahoe Regional Planning Compact which lies in the State of Nevada:

(a) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles, except for the completion of the Loop Road in the States of Nevada and California.

(b) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the prohibition imposed by this section. This paragraph does not apply to parking garages.

(c) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the prohibition imposed by this section. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(d) Except as otherwise provided in this paragraph, no apartment building may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the prohibition imposed by this section.

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

(1) To accommodate development which is not prohibited or limited by this paragraph; or

(2) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

3. The prohibition imposed by this section:

(a) Becomes effective on the passage and approval of this act.

(b) Expires on:

(1) The date of ratification by Congress of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act; or

(2) The expiration of 60 days after it becomes effective, unless on or before that date an equivalent or stricter provision is enacted applying to that portion of the region which lies in the State of California,

whichever date is earlier.

SEC. 5. The secretary of state shall transmit a certified copy of section 1 of this act to the governor of the State of California, and two certified copies of this entire act to the secretary of state of California for delivery to the respective houses of its legislature. The governor of this state, as soon as:

1. He is officially advised that the State of California has enacted the amendment to the Tahoe Regional Planning Compact set forth in section 1 of this act; and

2. The Congress of the United States has approved such amendment,

shall proclaim that the compact has been so amended.

SEC. 6. 1. This section and sections 3, 4 and 5 of this act shall become effective upon passage and approval.

2. Sections 1 and 2 of this act shall become effective upon proclamation by the governor of this state of the enactment of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act by the State of California and their approval by the Congress of the United States.

Remarks by Assemblyman Jeffrey.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Stewart, Hayes and Brady as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 30.

Mr. Speaker appointed Assemblymen Dini, Weise and Getto as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 503.

Mr. Speaker appointed Assemblymen Coulter, Hayes and Horn as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 524.

Mr. Speaker appointed Assemblymen Jeffrey, Horn and Weise as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 818.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Harmon moved that Senate Bill No. 591 be taken from its position on the General File and placed at the bottom of the General File.
Remarks by Assemblyman Harmon.
Motion carried.

Mr. Speaker announced that in accordance with the provisions of Assembly Bill No. 451, he was hereby nominating Assemblymen Coulter and Brady as Assembly members to be appointed by the Governor to the Commission on the Future of Nevada.

Mr. Speaker announced that in accordance with the provisions of Senate Concurrent Resolution No. 5, he was hereby appointing Assemblymen Hayes, Dini, Marvel and Rhoads to serve as Assembly members of the Select Committee on Public Lands.

Mr. Speaker announced that in accordance with Assembly Bill No. 848, he was hereby appointing Assemblyman Craddock, a member of the Assembly Standing Committee on Education, to serve as the Assembly member of the Committee to study the feasibility of establishing a program for continued professional development of teachers.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 503, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Amendment No. 148 C which is attached to and hereby made a part of this report.

JOSEPH E. DINI, JR.	THOMAS R. C. WILSON
VIRGIL M. GETTO	DON W. ASHWORTH
ROBERT L. WEISE	CARL F. DODGE
Assembly Committee on Conference	*Senate Committee on Conference*

Amendment No. 148 C.

Amend section 1, page 17, line 29, by inserting *"willfully"* before *"violates"*.

Amend section 1, page 17, line 32, by inserting *"willful"* before *"vio-"*.

Assemblyman Dini moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 503.

Remarks by Assemblymen Dini, Bergevin, Weise, Getto and Wagner.

Conflict of interest declared by Assemblyman Getto.

Assemblyman Marvel requested that the following remarks be entered in the Journal:

ASSEMBLYMAN DINI:

Mr. Speaker, the first part of the bill, on page 2, is a declaration of legislative policy and intent. What it does is point out the ecological factors that should be looked into by the TRPA and guide their activities under that article.

Section 2, article 2, on page 3, goes into definitions that are used and within the compact and includes the definition of non-restricted gaming and restricted gaming which was not there previously.

You go into the third part of the compact on page 4—the organization of it. They are changing the structure of the board into a seven man board from each state—four controlled by the state government and three by local governments. There will be one appointed by the Governor of the State of Nevada, one is to be the Secretary of State or his designee, the Director of the Department of Conservation and Natural Resources or his designee and then the six Nevadans will appoint the seventh. If they are not able to do so, the Governor will do that.

We have established a new voting procedure. When you determine the threshold carrying capacity of the Basin, the regional plan and ordinances of the TRPA, it takes a dual majority to vote these in. It takes four votes from both states to adopt these. Under "Projects", we use a modified simple majority where the majority of the delegation from one state would vote on a project and then have a simple majority on the entire agency. On routine business it will just take a simple majority to vote on the matter.

The fifth item that we are describing here is in the area of the transportation plan. This is quite a compromise because California insisted to floor the CTRPA transportation plan. In our modified version, which doesn't do what they wanted us to do, it does point out some problems in the Basin and maybe trying to get away from automobiles. It provides that it may provide for the establishment of a transit district. It also provides that they continue to consider the loop road which is the highway that was developed at Lake Tahoe. It is about two-thirds complete but California sued and was able to stop the completion of it on their side of the road last year.

We have an exemption built in here for not requiring single family dwellings to have an environmental impact statement other than what has been done when the subdivider created it.

We do create the moratorium with this on page 14. It is probably the more controversial part of the bill. On line 32 on page 14, no new highway may be built or existing highway widened except for the completion of the loop road in the states of Nevada and California. No building may be erected to house gaming under a non-restricted license except pursuant to a vested right before the effective date of the amendments in this compact. This paragraph does not apply to parking garages. That is legislative intent. Except as otherwise provided in this paragraph, no new subdivisions may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact. We do provide here an exemption for a general improvement district who owns the land and is ready to subdivide the land and if they become insolvent or if they are not allowed to subdivide the land. It also provides a moratorium on new apartments unless they have substantially completed an application to the local building department for the building of it. We have put a moratorium on the building of a new or enlargement of sewage treatment plants in the Tahoe Basin excepting some exemptions to accommodate development which is not prohibited or limited by this subdivision or to comply with an order by a state agency ordering them to comply with the national pollution discharge elimination act. That takes care of the sewer system in Douglas County which discharges water

into the Carson River and into the Carson Valley and through Carson City here effluent from Lake Tahoe. If the Health Department of the State of Nevada decides that the effluent coming from there does not meet the standards necessary to dump into our rivers in Nevada, they can order them to refine and improve their system to comply with the law.

We have placed a freeze on gaming expansion on page 15. This is the only industry—I guess in the world—that has been restricted in this manner. We have limited them to the area they now occupy in public area for expansion of gaming. They cannot expand the walls outside the existing walls to expand their gaming operation.

We get into an area on venue and judicial review. It also provides, in the case of suits, that no injunctive relief can be sought without (this was an amendment proposed by Senator Jacobsen) putting up security. What this means is that the job cannot be stopped without putting up a bond. You can still sue and force compliance but you cannot put the restraining order on unless you are in a position to put up the bond. The amount of the bond is determined by the court. You cannot put that into the compact—it is up to judicial guidance.

We created in the Penalty Section significant penalties and we just spoke to that when we amended the word "willfully" in there. The penalties could be a total of $100,000 for any violation or $5,000 per day. These are severe penalties.

We provided that to solve all the problems we have had in the past where California did not honor its obligation or held money back for the appropriation process, that monies appropriated shall be paid within 30 days. That is so that the agency does not have to depend on the whims of any agency head or somebody trying to stall the effectiveness of the agency.

I think you will find that this compact, as we have created it, is much more stringent than we have today on the books. It is very far reaching. If, in fact, we need to continue to improve the quality of the Lake, it should start us on the way to that goal.

I hope if you have any questions you will direct them to me or to any other member of the committee. I know Mr. Weise, Mr. Getto and Mrs. Wagner wish to speak. They are either members of the ad hoc committee or the negotiating committee, so I will turn it over to them.

ASSEMBLYMAN BERGEVIN:

I am going to rise to oppose this conference report not from the reasons that Mr. Dini has given, I thoroughly commend him and his committee and I have worked with his committee for a long number of days on the amendments which were drawn to this bill, but I do represent an area which comprises the largest segment of the Lake Tahoe area in the State of Nevada—Douglas County. I think to put this into perspective we have to go back 10 years in history when the present TRPA was established. The establishment of that TRPA and the subsequent zoning ordinances, rules and regulations of that organization have succeeded in down-zoning at least 60 percent of the property in the Lake Tahoe basin from what is was intended to hold as far as developments and whatnot. Some of the areas—some subdivisions —have been down-zoned as much as 60 percent. Some areas have been totally down-zoned putting the land into forest preserves which effectively takes it out of the development state for here on out.

If this particular piece of legislation is passed and it is being passed only, I think, to appease those people in California who have consistently opposed the workings of the present TRPA by withholding funding from it, by creating their own California Tahoe Regional Planning Agency with its own rules and regulations and in effect abrogating the regional government by doing so; but if this bill is passed, I think the wild horses in Nevada will have more rights than the people do at Lake Tahoe.

This imposes sanctions on the people at Lake Tahoe that you will find nowhere else in the United States of America. In fact, it has a very strong odor of taking away their consititutional rights.

I believe that there is much more to Lake Tahoe than a body of water. There are 50,000 people who reside at Lake Tahoe and whose livelihood depends upon the business and functions of that area. I think that these 50,000 people are entitled to the fairness doctrine of our Constitution and the rights of private property that everybody else is entitled to.

The one big fault of this bill and of previous TRPA bills is that there is absolutely no provision for compensating these people when their land is taken by

down-zoning—by inverse condemnation. This would not stand in any court of law outside of this jurisdiction.

Again, I do commend the negotiators for their long hours which resoluted in a bill which is an excellent piece of legislation given the task that they were given to do. I think that if it passed it will create a piece of legislation that we will try to work with; but I think the effective analysis of this legislation will be that when they discern the environmental capacity of the Basin, they are going to find in their findings—and this will be a Federal environmental statement—that the Basin is already overbuilt and will effectively create a 100 percent moratorium on all property at Lake Tahoe three years hence.

I, for one, will not be a member of imposing upon any of the peoples of the State of Nevada the straight jacket that this bill will impose upon them if it is finally approved by the State of California and the United States Senate.

ASSEMBLYMAN WEISE:

Mr. Speaker, through you to the members of the House, I rise very much in support of the report and the bill and I beg to differ with my colleague from Douglas County. He and I represent the Lake in its entirety in terms of the populated areas. Mr. Glover's district also incorporates part of the Lake. I don't know that anyone lives there though. I think we are all gravely concerned with the property rights as well as the ecological considerations. I am passing and supporting this bill not on behalf of the people of California as was alluded to by the previous speaker but on behalf of the people who go up from the State of Nevada and enjoy Lake Tahoe, for the people from Washoe County who I represent who don't live at the Lake as well as those people I represent that do live at the Lake. I think that the Nevada plan of development within the Lake Tahoe Basin has been far superior to that that has taken place in the State of California. I know that due to the number of Tahoe issues that we have had during this Session—they have been the shoreline bill, the creation of a new county a well as TRPA—that most of you have had an opportunity to go up and visit the Lake. You don't have to cross the stateline very far in either direction to look back into Nevada and think that we have done a pretty fair job.

Early on in the negotiations gaming was a major consideration. Right up until last week our counterparts in California have had no reservation—particularly some of the more vocal elected officials who are probably aspiring for higher office in their state—and keep pointing and talking about the gaming interests an how the gaming interests are doing this and doing that. In response and in good faith, Senator Wilson introduced Senate Bill 323 and we limited gaming. We limited it to exactly what is there and has been approved and nothing more and their will be no more structures there. Yet, we hear nothing but more and more rhetoric about it. I am sure that Senator Wilson himself had reservations about having introduced that bill after we saw how it was being used against us rather than in support of this argument that has been manufactured by California politicians. I will tell you that you could't get any more people into these casinos under any pretense if they didn't keep building the facilities that they have in California—the condominiums, the motels, the commercial entities. California has outstripped Nevada dramatically since the compact has been in existence in terms of development. There is absolutely no comparison. Yet, when they want to point the finger somewhere, they keep going back to gaming. Gaming is sensitive to us as a major part of our economy but also as a property right and a guarantee that it is allowed in this State. I feel that particularly a couple of those casinos have done more to improve that sector of the Lake than anyone else has in terms of cleaning it up and trying to conform to many of the considerations that have been talked about by the environmentalists. The loop road is a good example of that on the Nevada side and three parking structures. These things are going to alleviate much of traffic flow that exists up there that actually contributes to the degradation of the air quality.

I don't know that I can believe that we have satisfied for all time the problems of Lake Tahoe by adopting this compact. One of our colleagues in the Senate humorously refers to it as the biannual right of Spring for the Nevada Legislature in considering the Tahoe Regional Planning Agency. We did a good job last time in 266 and it wasn't even considered and was tossed by the wayside. We have done it again. We have been threatened with National Recreation areas. We have been threatened with Federal intervention. We have been threatened with loss of funds and on and on and on. At the bottom line, particularly you have to give credit to maybe three people—I have to put Joe Dini at the top of the list. The pressure and

the lobbying and the special interests and the private interests that have been involved in this have been unreal. The telephone calls—you couldn't walk down the lobby earlier in this week. It became quite irritating. I think had it been any other issue and any other chairman, we would of all taken a hike on it. I was ready to two days ago. Joe, and he has already been recognized as such, is really deserving of tremendous credit and appreciation by all the citizens of this State and particularly by the members of our House. Fred Weldon is the unsung hero. He got a song or two earlier this morning. I don't know if he is still with us in the audience now or not, but Fred has done just a fantastic job in getting together with us. There is one fellow from California that the rest of you probably won't ever have the opportunity of meeting, but Tom Williby was the research assistant—I am not sure what his title is, I know he has been involved in a number of major pieces of legislation in California. He assisted the California assemblymen in our negotiations. He is one I kind of wish could be here because we owe an awful lot to him. When the politicians were huffing and puffing on their side of the line, he was the cool head in California that we could get on the phone and talk to and work back and forth with and try to determine what a bottom line was—try and determine if the faith was there and it was. Tom Williby, wherever you are, I personally want to thank you and I am sure our entire committee does.

I can probably ramble on for a long time but I think maybe the bottom line is we are going to make that one demonstrated effort and I believe it will be the last major demonstrated effort to work with the people in California. If they choose to ignore this, so be it. I know that the Nevada Legislature will protect the area—maybe more in concert with Lewis' desire by enacting the Nevada-Tahoe Regional Planning Agency and going down the road. I think we have done a good job. We don't have to be ashamed. I think this compact will protect it for all time. If you want to know about leverage, I think the greatest leverage is that maybe through this compact we can control massive development on the California side even though we are abrogating some potential rights.

ASSEMBLYMAN GETTO:

Yes, Mr. Speaker, I would like to say just a few words. I was one of the negotiating members towards the end. I didn't spend near as much time as the other members did and I wasn't as well informed as the other members. It was a real experience for me. I would like to say, first of all, that I want to commend the other members that served on this committee especially at the last conference that we met with the people from California. It was a very tense and very overheated room and many hours of discussion. We came to a point when I guess our cohorts across the line felt that we were bogged down completely and they got up and walked out. I really wanted to commend our people who stayed there and especially for keeping their cool. In all the negotiations and all the arguments that came forth, not one time while I was on the committee did any of our members lose their cool, get up and walk out or completely lose their composure. It was a very fine demonstration of trying to work with the people from across the line.

I have some problems with the bill especially in the area of inverse condemnation. I feel that the people who own property either should be allowed to do what they want with their property within the guidelines of government or else be compensated for it. That was the big problem I had with the bill. On the other hand, I realize what a beautiful area this is and the value of this lake—the only one like it in the world. So when I tried to balance out my thoughts, I certainly feel that this bill is a sincere effort to form a compact with our sister state of California. I certainly hope that they will see in the final end that it is a true compromise and that Nevada is sincerely trying to make an effort to join with them in a compact to protect the Lake which is in both states for the posterity forever.

I would like to say that I do have a small conflict. I own a lot at Lake Tahoe that we have been paying on for twelve years. This will probably have an adverse affect on the lot eventually; but I still feel that in the overall we should pass this bill and try to protect that Lake and keep it for posterity.

ASSEMBLYMAN WAGNER:

Thank you, Mr. Speaker. I think when you think about the time and the effort involved in this particular piece of legislation, when you think about the fact that the legislative commission appointed the ad hoc committee before this session even convened, I think when you think about the hours of discussion, the agreements and the disagreements even amoung our own delegation and when you think about

the fact that this bill must pass the two houses of this Legislature, the two houses of the California Legislature without change and the two houses in Congress without change, I think you would agree that it is a remarkable process that we might indeed come to a new bi-state compact. I don't think it is perfect. It is a major struggle between environmentalists and property owners. I suspect that probably neither are happy—probably neither could ever be. We may indeed be criticized for amending this bill in the Senate and on this floor today especially in areas where discussion had not occurred in the negotiations but that is the legislative process and we in this body determined what were appropriate amendments this morning.

I hope our sister state recognizes the many difficult compromises made by many on the ad hoc committee and the negotiating team and probably many here. I would suggest some of those compromises included the voting membership, the voting structure and the moratorium. I intend to vote for this bill because I think it is a major piece of legislation. I think on the whole you have to look at it that way—in its entirety—that it is a major step and I believe generally a far better statement and approach than we have today.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 30, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Senate be concurred in.

JANSON F. STEWART	MELVIN D. CLOSE
KAREN W. HAYES	M. B. (MIKE) SLOAN
BILL D. BRADY	CARL F. DODGE
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Stewart moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 30.

Remarks by Assemblyman Stewart.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 563.

Bill read third time.

Remarks by Assemblyman Jeffrey.

Roll call on Senate Bill No. 563:

YEAS—35.

NAYS—None.

Absent—Bennett, Chaney, Harmon, Mello, Robinson—5.

Senate Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 582.

Bill read third time.

Remarks by Assemblymen Bremner and Tanner.

Roll call on Senate Bill No. 582:

YEAS—33.

NAYS—Bedrosian, Prengaman, Wagner—3.

Absent—Bennett, Chaney, Mello, Robinson—4.

Senate Bill No. 582 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 587.

Bill read third time.

Remarks by Assemblymen Bremner, Tanner, Mann, Dini, Vergiels, Polish, Weise, Craddock, Getto and Barengo.

(REPRINTED WITH ADOPTED AMENDMENTS)

SEVENTH REPRINT **A. B. 503**

ASSEMBLY BILL NO. 503—ASSEMBLYMEN DINI, MELLO, MAY, WAGNER AND WEISE

MARCH 5, 1979

Referred to Committee on Government Affairs

SUMMARY—Changes structure and substantive requirements of Tahoe Regional Planning Agency. (BDR 22-1950)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to the Tahoe Regional Planning Agency; changing the composition of its governing body and the requirements for making decisions; restricting certain gaming activities to certain places within the region; changing penalties; and providing other matters properly relating thereto.

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 [the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its man-made environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of

enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan, of resource conservation and orderly development, to exercise effective environmental controls and to perform otheressential functions, as enumerated in this title.] :

(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, 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) There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region.

(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 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 policies, regulations and public laws applying to the region shall be interpreted and administered by the Tahoe Regional Planning Agency in accordance with the policies set forth in this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of [the Counties of Douglas, Ormsby, and Washoe] *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" [shall mean] *means* the long-term general plan for the development of the region.

(e) ["Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.

(f)] "Planning commission" means the advisory planning commission appointed pursuant to [paragraph] *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 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) "Area within a structure open to public use" means all area within a structure housing gaming under a nonrestricted license except:

(1) The area which is devoted to the private use of guests, including hotel rooms and hallways to serve that area; and

(2) Any parking area.

(l) "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:

[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. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

(1) A member of the board which appoints him; and

(2) A resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance.

A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation, he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.]

(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 shall make such appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region within the State of Nevada.

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

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

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing 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 has a direct or indirect investment worth more than $1,000.

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

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

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

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

(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 oftener 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 two 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) [A majority] *Four* of the members of the governing body from each state [shall] constitute a quorum for the transaction of the business of the agency. [A majority vote of the members present representing each state shall be required to take action with respect to any matter. The] *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, 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. No variances from provisions of the regional plan or the implementing ordinances and regulations shall be granted except pursuant to procedures established by ordinance, and any such ordinance shall be enacted by the voting procedure described in this paragraph.

(2) For approving a project, the affirmative vote of at least four members from the state in which the project is located and the affirmative vote of at least eight members of the governing body are required. If at least four members of the governing body from the state in which the project is located and at least eight 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. Decisions by the agency shall be supported by findings.

(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 proposal, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such proposal, within 180 days after such proposal is delivered to 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. [, which shall consist of an equal number of members from each

state.] The commission shall include: [but shall not be limited to:] the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of [the Counties of] Douglas [, Ormsby, and] *County,* Washoe *County and Carson City* in Nevada, [the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee,] the Chief of the Bureau of Environmental Health of the Health Division of the Department of [Health, Welfare and Rehabilitation] *Human Resources* of the State of Nevada, [or his designee,] the executive officer of the Lahontan Regional Water Quality Control Board [or his designee,] *of the State of California,* the executive officer of the [Tahoe Regional Planning Agency who shall act as chairman,] *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 Lake Tahoe Management Unit of the United States Forest Service,* and at least four lay members [each] *with an equal number from each state, at least half* of whom shall be [a resident] *residents* of the region. *Any official member may designate a substitute.*

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

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

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

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

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

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. [Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.]

ARTICLE IV. Personnel

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

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

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

ARTICLE V. Planning

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

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

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

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

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

the governing body shall complete its action on such amendment within [60] *180* days after such request is [delivered to] *accepted as complete according to standards which must be prescribed by ordinance of* the agency.

[Tahoe Regional Plan]

(b) [Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the] *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 one 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, implementation of the plan and all of its elements 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. 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* include *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, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. *The goal of transportation planning shall be to reduce dependency on the automobile by making better use of the existing transportation system, and where increases in capacity are required, the agency shall consider and 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 may provide for the establishment of a transit district in the region. If it so provides, the specific responsibility, jurisdiction, representation and revenue authority of the transit district shall be developed in the regional transportation planning process and be incorporated in the plan, and a representative designated by the Nevada department of highways (or transportation) and a representative designated by the California department of transportation shall be included as members of the board of commissioners of the transit district.

(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.

[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 individuals.

(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

Tahoe Regional Interim Plan

(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an

interim basis in accordance with the substantive powers granted to it in this agreement.

(e)] *(d) Prior to revision of the regional plan and adoption of ordinances by the agency as required by subdivision (c) of Article V, the regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever is strictest, in the respective portions of the region for which the standards are applicable.*

The agency may, however, adopt at any time 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 January 1, 1979, 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 State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The agency shall adopt ordinances prescribing specific written findings that the agency and the Nevada Tahoe regional planning agency must make prior to approving any project in the region. These findings shall 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.

(g) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, [and interim 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.

[(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.]

(h) 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, regulations and policies to effectuate the adopted regional [and interim plans.] *plan.* Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the [basin,] *region,* and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations *of the agency* shall contain general, regional 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; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the [interim plan or the general] *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 enactment of specific and local ordinances, rules, regulations and policies which conform to the [interim or general] *regional* plan.

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

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

[Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

(1) Was so licensed on February 5, 1968, or was licensed for a

limited season during any part of the calendar year immediately preceding February 5, 1968.

(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.]

(b) *No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved, except in accordance with a regional plan and ordinances meeting the requirements of this compact. The agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (f) of Article V. Such findings shall be based on substantial evidence in the record.*

Before adoption by the agency of the ordinances required in subdivision (f) of Article V, the agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, 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 January 1, 1982, whichever is earlier:

(1) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles, except for the completion of the Loop Road in the States of Nevada and California.

(2) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the amendments to this compact. This paragraph does not apply to parking garages.

(3) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(4) Except as otherwise provided in this paragraph, no apartment building may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the amendments to this compact.

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

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

(B) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

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

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

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

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

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

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume and land coverage existing or approved on May 4, 1979.

(f) 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.

(g) 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.

(h) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states,

counties [,] and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. [Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court.] *This provision does not purport to deprive the federal courts of any jurisdiction otherwise provided by law.* For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

[(c)] *Legal actions arising out of this compact must be brought as follows:*

(1) A civil or criminal action challenging an activity by the agency or any person, which is undertaken or to be undertaken upon a parcel of real property, shall be brought in the state or federal judicial district where the real property is situated. If the real property is situated in more than one such judicial district, such action shall be brought in the judicial district where the greater part of the real property is situated.

(2) If the action relates only to the validity or interpretation of this compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, and does not relate to an activity upon specific real property, the action may be brought in any judicial district which includes a part of the region.

Any aggrieved person may file an action in the appropriate court of the State of California or Nevada or of the United States alleging noncompliance with any provision of this compact or of any plan or ordinance adopted thereunder. In the case of governmental agencies, "aggrieved person" means any federal, state or local government agency. In the case of any person other than a governmental agency, "aggrieved person" means any person who has appeared in person or through an authorized representative, or submitted his views 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 or submitting such a statement.

No restraining order or preliminary injunction may issue, based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto, except upon the giving of security by the applicant in a sum equal to the costs and damages which the court finds may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

A legal action arising out of or alleging violation of this compact shall be commenced within 60 days after final action by the agency. If no action by the agency is involved, such a legal action shall be filed within 60 days after discovery of the violation.

Notice of final action by the agency must 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.

Judicial review must be conducted by the court without a jury and must be confined to the record and to issues substantially raised before the agency. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the person seeking judicial review have been prejudiced.

[Except as otherwise provided in paragraph (d), all] *(i) All* public works projects shall be reviewed prior to construction and approved, *modified or rejected* by the agency *after a finding* as to the project's compliance with the [adopted] regional [general] plan.

[(d)] *(j)* All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect [, or may specifically apply, to] the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan, [or interim plan,] and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. [A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

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

[(f) Violation of any ordinance of the agency is a misdemeanor.]

(l) Any person or governmental entity who willfully violates any provision of this compact is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $100,000 for each offense. In addition, any person or governmental entity who performs any development in willful violation of this compact, the regional plan or ordinances of the agency, or conditions of approval imposed by the agency is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $5,000 for each day in which such violation persists. If the violation occurs in California, one-half the amount of any civil fine imposed shall be deposited in the state general fund and one-half shall be deposited in the county general fund of the county in which the violation occurs. If the violation occurs in Nevada, the entire amount of any civil fine imposed shall be deposited in the state permanent school fund.

[(g)] *(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.

[(h)] *(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.

[(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

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

[(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.]

(p) Approval by the agency or the Nevada Tahoe regional planning agency, as the case may be, of any project expires 3 years after the date of final action by either 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 or the Nevada Tahoe regional planning 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 and the Nevada Tahoe regional planning agency when acting upon matters that affect the region shall:

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

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

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

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

(C) Alternatives to the proposed project;

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

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

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

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

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

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

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

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

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

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

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

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

(2) Specific public and private 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 and the Nevada Tahoe regional planning 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 or commission 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 have a significant effect on the environment and therefore will not 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 have a significant effect on the environment.

ARTICLE [VII] *VIII.* Finances

(a) [Except as provided in paragraph (e), on] *On* or before [December] *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 [not more than $150,000] *$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. [Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sum from its general fund or from any other moneys available therefor.] *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. Apportionment of the state funds must be two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.*

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

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

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

(e) [As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

(1) For the remainder of the then-current fiscal year; and

(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

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

ARTICLE [VIII.] *IX.* 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 [paragraph] *subdivision* (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

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

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

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

SEC. 2. NRS 277.205 and 277.230 are hereby repealed.

SEC. 3. Chapter 518, Statutes of Nevada 1977, entitled "An Act

relating to the Tahoe Regional Planning Agency; restricting certain gaming activities to certain places within the area under the control of the agency; providing changes in the composition of the agency's governing body; providing certain civil penalties; and providing other matters properly relating thereto," approved May 13, 1977, is hereby repealed, and chapter 502, Statutes of Nevada 1975, is not thereby revived.

SEC. 4. 1. The legislature of the State of Nevada finds that in order to make effective the regional plan as it is to be revised by the Tahoe Regional Planning 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.

2. From the effective date of the prohibition imposed by this section until the happening of one of the events provided in subsection 3 for its expiration, in that portion of the region defined in the Tahoe Regional Planning Compact which lies in the State of Nevada:

(a) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles, except for the completion of the Loop Road in the States of Nevada and California.

(b) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the prohibition imposed by this section. This paragraph does not apply to parking garages.

(c) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the prohibition imposed by this section. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(d) Except as otherwise provided in this paragraph, no apartment building may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the prohibition imposed by this section.

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

(1) To accommodate development which is not prohibited or limited by this paragraph; or

(2) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

3. The prohibition imposed by this section:

(a) Becomes effective on the passage and approval of this act.

(b) Expires on:

(1) The date of ratification by Congress of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act; or

(2) The expiration of 60 days after it becomes effective, unless on or before that date an equivalent or stricter provision is enacted applying to that portion of the region which lies in the State of California, whichever date is earlier.

SEC. 5. The secretary of state shall transmit a certified copy of section 1 of this act to the governor of the State of California, and two certified copies of this entire act to the secretary of state of California for delivery to the respective houses of its legislature. The governor of this state, as soon as:

1. He is officially advised that the State of California has enacted the amendment to the Tahoe Regional Planning Compact set forth in section 1 of this act; and

2. The Congress of the United States has approved such amendment,

shall proclaim that the compact has been so amended.

SEC. 6. 1. This section and sections 3, 4 and 5 of this act shall become effective upon passage and approval.

2. Sections 1 and 2 of this act shall become effective upon proclamation by the governor of this state of the enactment of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act by the State of California and their approval by the Congress of the United States.

Assembly Bill No. 503—Assemblymen Dini, Mello, May, Wagner and Weise

CHAPTER.....

AN ACT relating to the Tahoe Regional Planning Agency; changing the composition of its governing body and the requirements for making decisions; restricting certain gaming activities to certain places within the region; changing penalties; and providing other matters properly relating thereto.

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 [the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its man-made environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan, of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.] :

(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, 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) There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region.

(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 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 policies, regulations and public laws applying to the region shall be interpreted and administered by the Tahoe Regional Planning Agency in accordance with the policies set forth in this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of [the Counties of Douglas, Ormsby, and Washoe] *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" [shall mean] *means* the long-term general plan for the development of the region.

(e) ["Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.

(f)] "Planning commission" means the advisory planning commission appointed pursuant to [paragraph] *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 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) "Area within a structure open to public use" means all area within a structure housing gaming under a nonrestricted license except:

(1) The area which is devoted to the private use of guests, including hotel rooms and hallways to serve that area; and

(2) Any parking area.

(l) "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:

[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. Each member shall be a member of the city council or county board of supervisors which he represents and, in the case of a supervisor, shall be a resident of a county supervisorial district lying wholly or partly within the region.

One member appointed by each of the boards of county commissioners of Douglas, Ormsby and Washoe counties. Any member so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

(1) A member of the board which appoints him; and

(2) A resident of or the owner of real property in the region,

as each board of county commissioners may in its own discretion determine. The manner of selecting the person so to be appointed may be further prescribed by county ordinance.

A person so appointed shall before taking his seat on the governing body disclose all his economic interests in the region, and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. If any board of county commissioners fails to make an appointment required by this paragraph within 30 days after the effective date of this act or the occurrence of a vacancy on the governing body, the governor shall make such appointment. The position of a member appointed by a board of county commissioners shall be deemed vacant if such member is absent from three consecutive meetings of the governing body in any calendar year.

One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation, he shall not be a resident of the region and shall represent the public at large. The member appointed by the Governor of Nevada shall not be a resident of the region and shall represent the public at large.

The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.]

(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 shall make such appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region within the State of Nevada.

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

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

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing 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 has a direct or indirect investment worth more than $1,000.

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

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

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

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

(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 oftener 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 two 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) [A majority] *Four* of the members of the governing body from each state [shall] constitute a quorum for the transaction of the business of the agency. [A majority vote of the members present representing each state shall be required to take action with respect to any matter. The] *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, 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. No variances from provisions of the regional plan or the implementing ordinances and regulations shall be granted except pursuant to procedures established by ordinance, and any such ordinance shall be enacted by the voting procedure described in this paragraph.

(2) For approving a project, the affirmative vote of at least four members from the state in which the project is located and the affirmative vote of at least eight members of the governing body are required. If at least four members of the governing body from the state in which the project is located and at least eight 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. Decisions by the agency shall be supported by findings.

(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 proposal, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such proposal, within 180 days after such proposal is delivered to 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. [, which shall consist of an equal number of members from each state.] The commission shall include: [but shall not be limited to:] the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of [the Counties of] Douglas [, Ormsby, and] *County,* Washoe *County and Carson City* in Nevada, [the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, the county health officer of Douglas County or his designee, the county health officer of Washoe County or his designee,] the Chief of the Bureau of Environmental Health of the Health Division of the Department of [Health, Welfare and Rehabilitation] *Human Resources* of the State of Nevada, [or his designee,] the executive officer of the Lahontan Regional Water Quality Control Board [or his designee,] *of the State of California,* the executive officer of the [Tahoe Regional Planning Agency who shall act as chairman,] *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 Lake Tahoe Management Unit of the United States Forest Service,* and at least four lay members [each] *with an equal number from each state, at least half* of whom shall be [a resident] *residents* of the region. *Any official member may designate a substitute.*

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

The position of each member of the advisory planning commission

shall be considered vacated upon loss of any of the qualifications required for appointment, and in such event the appointing authority shall appoint a successor.

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

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

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

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken. [Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

(k) Each state may provide by law for the disclosure or elimination of conflicts of interest on the part of members of the governing body appointed from that state.]

ARTICLE IV. Personnel

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

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

(c) The agency may establish and maintain or participate in such

additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

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

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

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

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

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

the governing body shall complete its action on such amendment within [60] *180* days after such request is [delivered to] *accepted as complete according to standards which must be prescribed by ordinance of* the agency.

[Tahoe Regional Plan]

(b) [Within 15 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 18 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the] *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 one 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, implementation of the plan and all of its elements 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. 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* include *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, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. *The goal of transportation planning shall be to reduce dependency on the automobile by making better use of the existing transportation system, and where increases in capacity are required, the agency shall consider and 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 may provide for the establishment of a transit district in the region. If it so provides, the specific responsibility, jurisdiction, representation and revenue authority of the transit district shall be developed in the regional transportation planning process and be incorporated in the plan, and a representative designated by the Nevada department of highways (or transportation) and a representative designated by the California department of transportation shall be included as members of the board of commissioners of the transit district.*

(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.

[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 individuals.

(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the states, counties and cities in the region.

Tahoe Regional Interim Plan

(d) Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

(e)] *(d) Prior to revision of the regional plan and adoption of ordinances by the agency as required by subdivision (c) of Article V, the regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever is strictest, in the respective portions of the region for which the standards are applicable.*

The agency may, however, adopt at any time 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 January 1, 1979, 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 State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed

by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The agency shall adopt ordinances prescribing specific written findings that the agency and the Nevada Tahoe regional planning agency must make prior to approving any project in the region. These findings shall 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.

(g) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, [and interim 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.

[(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.]

(h) 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, regulations and policies to effectuate the adopted regional [and interim plans.] *plan.* Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the [basin,] *region,* and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. The regulations *of the agency* shall contain general, regional 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; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the [interim plan or the general] *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 enactment of specific and local ordinances, rules, regulations and policies which conform to the [interim or general] *regional* plan.

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

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

[Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of the state in which it is located to be individually licensed by the state, if such business or establishment:

(1) Was so licensed on February 5, 1968, or was licensed for a limited season during any part of the calendar year immediately preceding February 5, 1968.

(2) Is to be constructed on land which was so zoned or designated in a finally adopted master plan on February 5, 1968, as to permit the construction of such a business or establishment.]

(b) *No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved, except in accordance with a regional plan and ordinances meeting the requirements of this compact. The agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (f) of Article V. Such findings shall be based on substantial evidence in the record.*

Before adoption by the agency of the ordinances required in subdivision (f) of Article V, the agency and the Nevada Tahoe regional planning agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, 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 January 1, 1982, whichever is earlier:

(1) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles, except for the completion of the Loop Road in the States of Nevada and California.

(2) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the amendments to this compact. This paragraph does not apply to parking garages.

(3) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the amendments to this compact. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(4) Except as otherwise provided in this paragraph, no apartment building may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the amendments to this compact.

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

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

(B) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

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

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

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

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

The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted

to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume and land coverage existing or approved on May 4, 1979.

(f) 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.

(g) 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.

(h) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties [,] and cities. The appropriate courts of the respective states, each within its limits of territory and subject matter provided by state law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances. [Each such action shall be brought in a court of the state where the violation is committed or where the property affected by a civil action is situated, unless the action is brought in a federal court.] *This provision does not purport to deprive the federal courts of any jurisdiction otherwise provided by law.* For this purpose, the agency shall be deemed a political subdivision of both the State of California and the State of Nevada.

[(c)] *Legal actions arising out of this compact must be brought as follows:*

(1) A civil or criminal action challenging an activity by the agency or any person, which is undertaken or to be undertaken upon a parcel of real property, shall be brought in the state or federal judicial district where the real property is situated. If the real property is situated in more than one such judicial district, such action shall be brought in the judicial district where the greater part of the real property is situated.

(2) If the action relates only to the validity or interpretation of this compact or of any ordinance, plan, rule or regulation adopted pursuant thereto, and does not relate to an activity upon specific real property, the action may be brought in any judicial district which includes a part of the region.

Any aggrieved person may file an action in the appropriate court of the State of California or Nevada or of the United States alleging noncompliance with any provision of this compact or of any plan or ordinance adopted thereunder. In the case of governmental agencies, "aggrieved person" means any federal, state or local government agency. In the case of any person other than a governmental agency, "aggrieved person" means any person who has appeared in person or through an

authorized representative, or submitted his views 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 or submitting such a statement.

No restraining order or preliminary injunction may issue, based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto, except upon the giving of security by the applicant in a sum equal to the costs and damages which the court finds may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

A legal action arising out of or alleging violation of this compact shall be commenced within 60 days after final action by the agency. If no action by the agency is involved, such a legal action shall be filed within 60 days after discovery of the violation.

Notice of final action by the agency must 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.

Judicial review must be conducted by the court without a jury and must be confined to the record and to issues substantially raised before the agency. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the person seeking judicial review have been prejudiced.

[Except as otherwise provided in paragraph (d), all] *(i) All* public works projects shall be reviewed prior to construction and approved, *modified or rejected* by the agency *after a finding* as to the project's compliance with the [adopted] regional [general] plan.

[(d)] *(j)* All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect [, or may specifically apply, to] the uses of land, water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan, [or interim plan,] and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. [A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed.

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

[(f) Violation of any ordinance of the agency is a misdemeanor.]

(l) Any person or governmental entity who willfully violates any provision of this compact is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $100,000 for each offense. In

addition, any person or governmental entity who performs any development in willful violation of this compact, the regional plan or ordinances of the agency, or conditions of approval imposed by the agency is subject to the imposition by a court of competent jurisdiction of a civil fine not to exceed $5,000 for each day in which such violation persists. If the violation occurs in California, one-half the amount of any civil fine imposed shall be deposited in the state general fund and one-half shall be deposited in the county general fund of the county in which the violation occurs. If the violation occurs in Nevada, the entire amount of any civil fine imposed shall be deposited in the state permanent school fund.

[(g)] *(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.

[(h)] *(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.

[(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation.

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

[(k) Whenever under the provisions of this article or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any proposal, public or private, the agency shall take final action, whether to approve, to require modification or to reject such proposal, within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.]

(p) Approval by the agency or the Nevada Tahoe regional planning agency, as the case may be, of any project expires 3 years after the date of final action by either 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 or the Nevada Tahoe regional planning 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 and the Nevada Tahoe regional planning agency when acting upon matters that affect the region shall:

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

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

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

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

(C) Alternatives to the proposed project;

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Specific public and private 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 and the Nevada Tahoe regional planning 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 or commission 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 have a significant effect on the environment and therefore will not 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 have a significant effect on the environment.

ARTICLE [VII] *VIII.* Finances

(a) [Except as provided in paragraph (e), on] *On* or before [December] *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 [not more than $150,000] *$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. [Each county in California shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it. Each county in Nevada shall pay such sum from its general fund or from any other moneys available therefor.] *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. Apportionment of the state funds must be two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

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

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

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

(e) [As soon as possible after the ratification of this compact, the agency shall estimate the amount of money necessary to support its activities:

(1) For the remainder of the then-current fiscal year; and

(2) If the first estimate is made between January 1 and June 30, for the fiscal year beginning on July 1 of that calendar year.

The agency shall then allot such amount among the several counties, subject to the restriction and in the manner provided in paragraph (a), and each county shall pay such amount.

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

ARTICLE [VIII.] *IX.* 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 [paragraph] *subdivision* (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may

hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

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

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

SEC. 2. NRS 277.205 and 277.230 are hereby repealed.

SEC. 3. Chapter 518, Statutes of Nevada 1977, entitled "An Act relating to the Tahoe Regional Planning Agency; restricting certain gaming activities to certain places within the area under the control of the agency; providing changes in the composition of the agency's governing body; providing certain civil penalties; and providing other matters properly relating thereto," approved May 13, 1977, is hereby repealed, and chapter 502, Statutes of Nevada 1975, is not thereby revived.

SEC. 4. 1. The legislature of the State of Nevada finds that in order to make effective the regional plan as it is to be revised by the Tahoe Regional Planning 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.

2. From the effective date of the prohibition imposed by this section until the happening of one of the events provided in subsection 3 for its expiration, in that portion of the region defined in the Tahoe Regional Planning Compact which lies in the State of Nevada:

(a) No new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles, except for the completion of the Loop Road in the States of Nevada and California.

(b) No building may be erected to house gaming under a nonrestricted license, except pursuant to a right vested before the effective date of the prohibition imposed by this section. This paragraph does not apply to parking garages.

(c) Except as otherwise provided in this paragraph, no new subdivision may be approved unless a substantially complete tentative map has been filed with the appropriate local jurisdiction before the effective date of the prohibition imposed by this section. The subdivision of land owned by a general improvement district may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(d) Except as otherwise provided in this paragraph, no apartment building may be erected unless a substantially complete application for a building permit was made to the appropriate local jurisdiction before the effective date of the prohibition imposed by this section.

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

(1) To accommodate development which is not prohibited or limited by this paragraph; or

(2) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the National Pollution Discharge Elimination System.

3. The prohibition imposed by this section:

(a) Becomes effective on the passage and approval of this act.

(b) Expires on:

(1) The date of ratification by Congress of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act; or

(2) The expiration of 60 days after it becomes effective, unless on or before that date an equivalent or stricter provision is enacted applying to that portion of the region which lies in the State of California,

whichever date is earlier.

SEC. 5. The secretary of state shall transmit a certified copy of section 1 of this act to the governor of the State of California, and two certified copies of this entire act to the secretary of state of California for delivery to the respective houses of its legislature. The governor of this state, as soon as:

1. He is officially advised that the State of California has enacted the amendment to the Tahoe Regional Planning Compact set forth in section 1 of this act; and

2. The Congress of the United States has approved such amendment,

shall proclaim that the compact has been so amended.

SEC. 6. 1. This section and sections 3, 4 and 5 of this act shall become effective upon passage and approval.

2. Sections 1 and 2 of this act shall become effective upon proclamation by the governor of this state of the enactment of the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act by the State of California and their approval by the Congress of the United States.