

ASSEMBLY BILL NO. 499—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COUNSEL)

MAY 9, 2013

Referred to Committee on Judiciary

SUMMARY—Ratifies certain technical corrections made to NRS and Statutes of Nevada. (BDR S-522)

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

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

AN ACT relating to statutes; ratifying certain technical corrections made to sections of NRS; correcting the effective dates of certain provisions; correcting and clarifying certain provisions and repealing certain provisions of Statutes of Nevada; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill corrects an error in chapter 504, Statutes of Nevada 2009
2 (S.B. 394), at page 3076, which provides for the licensing of dealers, manufacturers
3 and lessors of off-highway vehicles. Section 58.8 of S.B. 394, which was added to
4 that bill by chapter 28, Statutes of Nevada 2011 (A.B. 464), at page 125, amended
5 section 28 of S.B. 394 (codified as NRS 490.210), at page 3090, to cause a
6 reference to the social security number of an applicant for such a license to expire
7 by limitation upon the repeal of certain federal requirements relating to the
8 enforcement of child support. However, section 58.8 of S.B. 394 inadvertently
9 failed to cause two related references to section 24 of S.B. 394 (codified as NRS
10 490.330), at page 3088, which also expires by limitation upon the repeal of those
11 federal requirements, to expire at the same time. To correct this technical error,
12 section 58.8 of S.B. 394 has been revised as necessary to cause those references to
13 section 24 of S.B. 394 to expire by limitation upon the repeal of those federal
14 requirements.

15 **Section 2** of this bill corrects an error in chapter 100, Statutes of Nevada 2011
16 (S.B. 74), at page 437. Although S.B. 74 changed the designation of the Fund for
17 Renewable Energy, Energy Efficiency and Energy Conservation Loans to the
18 Account for Renewable Energy, Energy Efficiency and Energy Conservation
19 Loans, S.B. 74 inadvertently failed to account for NRS 701.565, which defined the
20 term “Fund” for the purposes of the subhead of NRS relating to the former Fund for



21 Renewable Energy, Energy Efficiency and Energy Conservation Loans. To correct
22 this technical error, S.B. 74 has been revised as necessary to repeal NRS 701.565.

23 **Section 3** of this bill corrects an error in chapter 113, Statutes of Nevada 2011
24 (A.B. 73), at page 503. Although section 5 of A.B. 73 (codified as NRS 535.035),
25 at page 507, authorizes the State Engineer to enter any land where a dam is situated
26 to carry out his or her duties regarding dams, A.B. 73 inadvertently failed to amend
27 accordingly NRS 535.040, which provides that the performance by the State
28 Engineer of similar duties under other statutes does not constitute a warranty
29 concerning the impounded water. To correct this technical error, A.B. 73 has been
30 revised as necessary to include an appropriate reference to section 5 of A.B. 73 in
31 NRS 535.040.

32 **Section 4** of this bill corrects errors in chapter 156, Statutes of Nevada 2011
33 (A.B. 213), at page 714, which provides for the issuance by the Nevada Gaming
34 Commission of a preliminary finding of suitability. In particular:

35 1. Section 2 of A.B. 213, at page 715, which amended subsection 2 of NRS
36 463.310 to authorize the State Gaming Control Board to initiate a hearing before
37 the Commission to limit, condition, suspend or revoke such a preliminary finding
38 of suitability or to fine a person or entity found preliminarily suitable, inadvertently
39 failed to amend that section to authorize the Commission to take those actions. To
40 correct this technical error, section 2 of A.B. 213 has been amended as necessary to
41 include that authority in the provisions of subsections 4 and 6 of NRS 463.310.

42 2. A.B. 213 inadvertently failed to amend NRS 463.339, which requires an
43 applicant for licensing, registration, a finding of suitability or any other required
44 approval or consent to make a full informational disclosure to the Board and the
45 Commission, to require an applicant for a preliminary finding of suitability to make
46 the same disclosure. A.B. 213 has therefore been revised as necessary to require
47 that disclosure.

48 **Section 5** of this bill corrects an error in chapter 194, Statutes of Nevada 2011
49 (S.B. 196), at page 878. S.B. 196, which repealed the prospective expiration of the
50 Program of Empowerment Schools (NRS 386.700-386.780), inadvertently failed to
51 repeal the prospective expiration of certain amendments to the provisions of that
52 Program that are not intended to expire. To correct this technical error, S.B. 196 has
53 been amended as necessary to repeal the prospective expiration of sections 23 and
54 25 of chapter 422, Statutes of Nevada 2009, at pages 2327 and 2330, respectively,
55 which amended NRS 386.730 and 386.740, respectively.

56 **Section 6** of this bill corrects an error in chapter 252, Statutes of Nevada 2011
57 (S.B. 190), at page 1084, which provides for the licensure of music therapists.
58 Section 14 of S.B. 190 (codified as NRS 640D.120), at page 1087, which was
59 included in that bill to comply with certain federal requirements relating to the
60 enforcement of child support and was intended to expire by limitation 2 years after
61 the repeal of those federal requirements, was inadvertently not made to expire. To
62 correct this technical error, section 35 of S.B. 190, at page 1100, which contains the
63 effective dates for the provisions of S.B. 190, has been amended as necessary to
64 cause section 14 of that bill to expire at the appropriate time.

65 **Section 7** of this bill corrects an error in chapter 273, Statutes of Nevada 2011
66 (A.B. 289), at page 1497, which provides for the licensure of dietitians. Section 26
67 of A.B. 289 (codified as NRS 640E.200), at page 1503, which was included in that
68 bill to comply with certain federal requirements relating to the enforcement of child
69 support and was intended to expire by limitation 2 years after the repeal of those
70 federal requirements, was inadvertently not made to expire. To correct this
71 technical error, section 65 of A.B. 289, at page 1522, which contains the effective
72 dates for the provisions of A.B. 289, has been amended as necessary to cause
73 section 26 of that bill to expire at the appropriate time.

74 **Section 8** of this bill corrects errors in chapter 289, Statutes of Nevada 2011
75 (A.B. 413), at page 1619. In particular:



76 1. Although NRS 338.515, as amended by section 1 of A.B. 413, at page
77 1619, sets specific limits on the amounts of retainage which may be withheld by a
78 public body from a contractor on a public works project, A.B. 413 inadvertently
79 failed to amend accordingly NRS 338.525, which authorizes the public body to
80 withhold a reasonable amount to cover the contractor's failure to comply with the
81 contract or an applicable building code, law or regulation. To correct this technical
82 error, A.B. 413 has been revised as necessary to clarify the application of the
83 specific requirements of NRS 338.515 to the more general provisions of
84 NRS 338.525.

85 2. Although NRS 338.555, as amended by section 3 of A.B. 413, at page
86 1622, sets specific limits on the amounts of retainage which may be withheld by a
87 contractor from a subcontractor on a public works project, A.B. 413 inadvertently
88 failed to amend accordingly NRS 338.560, which authorizes the contractor to
89 withhold a reasonable amount to cover the subcontractor's failure to comply with
90 the subcontract or an applicable building code, law or regulation. To correct this
91 technical error, A.B. 413 has been revised as necessary to clarify the application of
92 the specific requirements of NRS 338.555 to the more general provisions of
93 NRS 338.560.

94 3. Although NRS 338.595, as amended by section 5 of A.B. 413, at page
95 1623, sets specific limits on the amounts of retainage which may be withheld by a
96 subcontractor from another subcontractor or a supplier on a public works project,
97 A.B. 413 inadvertently failed to amend accordingly NRS 338.600, which authorizes
98 the subcontractor to withhold a reasonable amount to cover the other
99 subcontractor's or supplier's failure to comply with the subcontract or an applicable
100 building code, law or regulation. To correct this technical error, A.B. 413 has been
101 revised as necessary to clarify the application of the specific requirements of NRS
102 338.595 to the more general provisions of NRS 338.600.

103 **Section 9** of this bill corrects an error in chapter 309, Statutes of Nevada 2011
104 (A.B. 452), at page 1697. Sections 28 and 29 of A.B. 452, at pages 1728 and 1729,
105 respectively, amended former NRS 281A.600 and 281A.610 (now NRS 281.559
106 and 281.561), respectively, to require certain public officers and candidates for
107 public office to file statements of financial disclosure electronically. Although
108 section 23 of A.B. 452 (codified as NRS 281.572), at page 1725, exempts under
109 certain conditions some of those public officers and candidates from the
110 requirement for electronic filing and allow them to file those statements by
111 alternate means, A.B. 452 inadvertently failed to amend accordingly former NRS
112 281A.660 (now NRS 281.581), which authorizes the imposition of a civil penalty
113 for a failure to file such a statement in a timely manner, to account for the alternate
114 filing provisions of section 23 of that bill. To correct this technical error, A.B. 452
115 has been amended as necessary to include references to section 23 of A.B. 452 in
116 former NRS 281A.660.

117 **Section 10** of this bill corrects an error in the amendment of NRS 40.495 by
118 section 5.5 of chapter 311, Statutes of Nevada 2011 (A.B. 273), at page 1743. NRS
119 40.495 sets forth various rights of a guarantor, surety or other obligor on a debt
120 secured by a mortgage or deed of trust on real property, other than the mortgagor or
121 grantor of the deed of trust. Although sections 1.2-3.3 of A.B. 273 (codified as NRS
122 40.4631-40.4639), at pages 1742 and 1743, establish certain limitations on actions
123 by the holders of junior mortgages or liens on real property after a foreclosure sale
124 of the property or a sale of the property in lieu of a foreclosure sale, section 5.5 of
125 A.B. 273 inadvertently failed to clarify the right of a guarantor, surety or other
126 obligee to enforce those limitations. To correct this technical error, section 5.5 of
127 A.B. 273 has been revised as necessary to include a reference to sections 1.2-3.3 of
128 A.B. 273 in subsection 3 of NRS 40.495.

129 **Section 11** of this bill corrects an error in the amendment of NRS 31.296 by
130 section 12 of chapter 338, Statutes of Nevada 2011 (A.B. 223), at page 1907.



131 NRS 31.296 consists of provisions relating to the garnishment of earnings to
132 enforce a judgment. Section 12 of A.B. 223, which amended NRS 31.296 to require
133 the judgment creditor to provide certain periodic reports to the judgment debtor, the
134 sheriff and each garnishee, inadvertently included an erroneous reference to the
135 issuance of a writ of attachment. To correct this technical error, section 12 of A.B.
136 223 has been revised as necessary to refer to the issuance of a writ of garnishment.

137 **Section 12** of this bill corrects errors in chapter 343, Statutes of Nevada 2011
138 (A.B. 100), at page 1916, which enacted the Uniformed Military and Overseas
139 Absentee Voters Act (codified as chapter 293D of NRS). In particular:

140 1. Section 42 of A.B. 100, at page 1929, amended NRS 293C.322 to account
141 for the repeal by section 45 of A.B. 100, at page 1931, of former NRS 293C.315,
142 which was superseded by the provisions of chapter 293D of NRS. However, section
143 42 of A.B. 100 inadvertently failed to replace the superseded reference to NRS
144 293C.315 contained in subsection 4 of NRS 293C.322 with a needed reference to
145 sections 2-29 of A.B. 100 (codified as chapter 293D of NRS). Section 42 of A.B.
146 100 has therefore been revised as necessary to correct this technical error.

147 2. Section 45 of A.B. 100 also repealed former NRS 293.3157, which was
148 also superseded by the provisions of chapter 293D of NRS. However, A.B. 100
149 inadvertently failed to account for section 23 of chapter 501, Statutes of Nevada
150 2011 (A.B. 81), at page 3281, which amended NRS 293.333 to incorporate two
151 references to NRS 293.3157. To correct this technical error, section 45 of A.B. 100
152 has been amended as necessary to repeal section 23 of A.B. 81.

153 **Section 13** of this bill corrects an error in section 10 of chapter 353, Statutes of
154 Nevada 2011 (A.B. 362), at page 1995, the source of NRS 432A.640. Section 10 of
155 A.B. 362, which requires a local government that operates an out-of-school
156 recreation program to provide copies of the reports of certain inspections,
157 inadvertently failed to clarify that the reports were to be provided to the Bureau of
158 Services for Child Care of the Division of Child and Family Services of the
159 Department of Health and Human Services. To correct this technical error, section
160 10 of A.B. 362 has been revised as necessary to provide that clarification. In
161 accordance with the provisions of chapter 261, Statutes of Nevada 2011 (S.B. 430),
162 at page 1365, which transferred the duties of the Bureau of Services for Child Care
163 to the Health Division of the Department, all of the references to the Bureau set
164 forth in section 10 of A.B. 362 were changed during the codification of NRS
165 432A.640 to refer to the Health Division.

166 **Section 14** of this bill corrects an error in the amendment of NRS 294A.365 by
167 section 65 of chapter 365, Statutes of Nevada 2011 (A.B. 82), at page 2120.
168 Although NRS 294A.220 requires committees for political action to report certain
169 expenditures in excess of \$1,000, section 65 of A.B. 82 inadvertently deleted from
170 NRS 294A.365, which sets forth the requirements for the contents of such a report,
171 a pertinent reference to expenditures in excess of that amount. To correct this
172 technical error, section 65 of A.B. 82 has been revised as necessary to restore that
173 reference.

174 **Section 15** of this bill corrects an error in the amendment of NRS 391.317 by
175 section 5 of chapter 378, Statutes of Nevada 2011 (A.B. 225), at page 2260. Section
176 5 of A.B. 225, which authorizes a teacher or administrator of a school district to
177 request an expedited arbitration hearing if he or she is deemed to be a probationary
178 employee pursuant to section 1 of that bill (codified as NRS 391.3129), at page
179 2258, and receives notice that he or she will be dismissed before the completion of
180 the current school year, inadvertently included an inappropriate reference to
181 subsection 1 of NRS 391.317. To correct this technical error, section 5 of A.B. 225
182 has been revised as necessary to remove that inappropriate reference.

183 **Section 16** of this bill corrects an error in section 21 of chapter 379, Statutes of
184 Nevada 2011 (A.B. 229), at page 2298. Section 21 of A.B. 229, which was intended
185 to limit the applicability of certain provisions of that bill during the 2011-2013



186 biennium to certain newly hired teachers and administrators of a school district,
187 inadvertently failed to indicate the inapplicability of those provisions during that
188 biennium to the other licensed employees of a school district. To correct this
189 technical error, section 21 of A.B. 229 has been revised as necessary to clarify that
190 those provisions do not apply to those other licensed employees during that
191 biennium.

192 **Section 17** of this bill corrects errors in chapter 412, Statutes of Nevada 2011
193 (A.B. 380), at page 2557. In particular:

194 1. Section 47 of A.B. 380, at page 2561, which amended NRS 338.1908,
195 inadvertently failed to account for a reference in that section to NRS 338.1907,
196 which expires by limitation on May 1, 2013. To correct this technical error, A.B.
197 380 has been revised as necessary to cause the repeal of that reference on that date.

198 2. Section 49 of A.B. 380, at page 2562, which includes provisions extending
199 the prospective expiration of the Wind Energy Systems Demonstration Program
200 (NRS 701B.400-701B.650) from June 30, 2011, until December 31, 2021,
201 inadvertently failed to extend the prospective expiration of NRS 701B.540, a
202 definition included in the provisions of that Program. To correct this technical
203 error, section 49 of A.B. 380 has been revised as necessary to extend accordingly
204 the prospective expiration of NRS 701B.540.

205 3. Section 51 of A.B. 380, at page 2563, which amended section 21 of chapter
206 321, Statutes of Nevada 2009 (S.B. 358), at page 1410, inadvertently failed to
207 account for the technical corrections to section 21 of S.B. 358 that were previously
208 ratified by the Legislature pursuant to section 9 of chapter 28, Statutes of Nevada
209 2011 (A.B. 464), at page 93. To correct this technical error, section 51 of A.B. 380
210 has been revised as necessary to include the technical corrections made by section 9
211 of A.B. 464.

212 4. Although the provisions of A.B. 380 provide for the prospective expiration
213 of the Solar Energy Systems Incentive Program (NRS 701B.010-701B.290) on
214 December 31, 2021, and similarly extend the prospective expiration of the Wind
215 Energy Systems Demonstration Program (NRS 701B.400-701B.650) and the
216 Waterpower Energy Systems Demonstration Program (NRS 701B.700-701B.880)
217 from June 30, 2011, until December 31, 2021, A.B. 380 inadvertently failed to
218 revise accordingly the superseded provisions of chapter 347, Statutes of Nevada
219 2011 (A.B. 359), at page 1939, which would have extended the prospective
220 expiration of the Waterpower Energy Systems Demonstration Program until
221 June 30, 2016. To correct this technical error, A.B. 380 has been revised as
222 necessary to amend or repeal, as appropriate, those superseded provisions of A.B.
223 359 in such a manner as to provide for the prospective expiration of that Program
224 on December 31, 2021.

225 **Section 18** of this bill corrects an error in section 3 of chapter 444, Statutes of
226 Nevada 2011 (S.B. 371), at page 2670, the source of NRS 432B.4684. Subsection 3
227 of section 3 of S.B. 371, which contains a list of the persons who may be nominated
228 for appointment and appointed by the court pursuant to NRS 432B.4685 as a person
229 who is legally responsible for the psychiatric care of a child, inadvertently included
230 a flush line that would have required the court appointment of such a person prior
231 to their nomination for that appointment by an agency which provides child welfare
232 services. To correct this technical error, section 3 of S.B. 371 has been revised as
233 necessary to delete that erroneous flush line.

234 **Section 19** of this bill corrects an error in the amendment of NRS 362.120 by
235 sections 12.5 and 12.7 of chapter 449, Statutes of Nevada 2011 (S.B. 493), at pages
236 2694 and 2696, respectively. Although section 12 of S.B. 493 (codified as NRS
237 514A.110), at page 2694, requires the review only by the Mining Oversight and
238 Accountability Commission of certain regulations adopted by the Nevada Tax
239 Commission before the approval of those regulations by the Legislative
240 Commission, sections 12.5 and 12.7 of S.B. 493 inadvertently included a provision



241 that referred to the approval of such a regulation by the Mining Oversight and
242 Accountability Commission. Sections 12.5 and 12.7 of S.B 493 have therefore been
243 revised as necessary to delete that erroneous provision.

244 **Section 20** of this bill corrects an error in chapter 456, Statutes of Nevada 2011
245 (S.B. 314), at page 2817, which provides for the registration of asset management
246 companies and the issuance of permits to engage in asset management. Section 26
247 of S.B. 314 (codified as NRS 645H.550), at page 2824, which was included in that
248 bill to comply with certain federal requirements relating to the enforcement of child
249 support and was intended to expire by limitation 2 years after the repeal of those
250 federal requirements, was inadvertently not made to expire. To correct this
251 technical error, section 37 of S.B. 314, at page 2834, which contains the effective
252 dates for the provisions of S.B. 314, has been amended as necessary to cause
253 section 26 of that bill to expire at the appropriate time.

254 **Section 21** of this bill corrects errors in chapter 479, Statutes of Nevada 2011
255 (S.B. 427), at page 2935. In particular:

256 1. Section 17 of S.B. 427, at page 2940, which amended NRS 231.260 to
257 provide for the transfer of duties relating to the Division of Tourism from the
258 former Commission on Tourism to the new Department of Tourism and Cultural
259 Affairs, inadvertently included an inappropriate amendment to a population
260 reference which is unrelated to that transfer of duties. To correct this technical
261 error, section 17 of S.B. 427 has been revised as necessary to delete that
262 inappropriate amendment. In addition, two references in that section to “the
263 Division” have been revised to clarify that the term refers to “the Division of
264 Tourism.”

265 2. Section 52 of S.B. 427, at page 2949, which amended NRS 242.080 to
266 provide for the elimination of the former Department of Information Technology
267 and its replacement by the new Division of Enterprise Information Technology
268 Services of the Department of Administration, inadvertently redesignated the
269 former Communication and Computing Division of that eliminated Department as
270 the Communication and Computing Unit of the new Division of Enterprise
271 Information Technology Services without accordingly redesignating two sub-parts
272 of that Unit. To correct this technical error, section 52 of S.B. 427 has been revised
273 as necessary to redesignate the former Communications Unit and
274 Telecommunications Unit of the former Communication and Computing Division
275 as the new Communications Group and Telecommunications Group, respectively,
276 of the new Communication and Computing Unit. In accordance with this
277 correction, sections 35 and 37 of S.B. 427, at page 2945, which amended the
278 definitions set forth in NRS 233F.045 and 233F.065, respectively, have been
279 revised as necessary to change the respective definitions of “Communications Unit”
280 and “Telecommunications Unit” to “Communications Group” and
281 “Telecommunications Group.”

282 3. Although section 60 of S.B. 427, at page 2953, amended NRS 284.025 to
283 replace the former Department of Personnel with the new Division of Human
284 Resource Management of the Department of Administration, section 25 of S.B.
285 427, at page 2943, amended NRS 232.215 to provide for the appointment of the
286 Administrator of the new Division by the Director of the Department of
287 Administration and section 26 of S.B. 427, at page 2943, amended NRS 232.2165
288 to place the Administrator in the unclassified service of the State, S.B. 427
289 inadvertently failed to amend accordingly NRS 284.075, which provided for the
290 appointment and classification of the former Director of the Department of
291 Personnel (now the Administrator of the new Division), to revise those provisions
292 of NRS 284.075 which either repeated or conflicted with the provisions of sections
293 25 and 26 of S.B. 427. S.B. 427 has therefore been revised as necessary to amend
294 NRS 284.075 in conformity with the provisions of those other sections.



295 4. Although section 87 of S.B. 427, at page 2965, amended NRS 341.020 to
296 change the membership of the State Public Works Board from seven appointed
297 members to six appointed members and one ex officio member, S.B. 427
298 inadvertently failed to clarify the inapplicability to the ex officio member of the
299 provisions of NRS 341.041 and 341.050 regarding the replacement and salary of
300 the members of the Board. S.B. 427 has therefore been revised as necessary to
301 clarify the application of those provisions solely to the appointed members of the
302 Board.

303 5. Although section 140 of S.B. 427, at page 2989, terminated the Account
304 for Local Cultural Activities by repealing NRS 233C.100, S.B. 427 inadvertently
305 failed to repeal accordingly NRS 233C.110, which provided for the expenditure of
306 the money in that Account. Section 140 of S.B. 427 has therefore been revised as
307 necessary to repeal NRS 233C.110.

308 **Section 22** of this bill corrects an error in the amendment of NRS 386.549 by
309 section 6 of chapter 483, Statutes of Nevada 2011 (A.B. 171), at page 3053.
310 Although an amendment to A.B. 171 during the 2011 Session was intended to
311 cause subsection 1 of NRS 386.549, regarding the membership of the governing
312 body of a charter school, to mirror subsection 1 of NRS 386.520, regarding the
313 membership of a committee to form a charter school, the amendment inadvertently
314 failed to include in paragraph (a) of subsection 1 of NRS 386.549 an intended
315 reference to "a teacher or other person." To correct this technical error, section 6 of
316 A.B. 171 has been revised as necessary to include that omitted reference.

317 **Section 23** of this bill corrects errors in chapter 485, Statutes of Nevada 2011
318 (A.B. 473), at page 3068. In particular:

319 1. Section 9 of A.B. 473, at page 3071, which amended NRS 293.560 to
320 revise the hours of operation of the office of a county clerk during the period for
321 voter registration prior to an election, inadvertently deleted the provisions of
322 subsection 1 of NRS 293.560 prescribing the date upon which registration must
323 close. To correct this technical error, section 9 of A.B. 473 has been revised as
324 necessary to restore the pertinent provisions.

325 2. Section 13 of A.B. 473, at page 3073, which amended NRS 293C.527 to
326 revise the hours of operation of the office of a city clerk during the period for voter
327 registration prior to an election, inadvertently deleted the provisions of subsection 1
328 of NRS 293C.527 prescribing the date upon which registration must close. To
329 correct this technical error, section 13 of A.B. 473 has been revised as necessary to
330 restore the pertinent provisions.

331 **Section 24** of this bill corrects errors in chapter 498, Statutes of Nevada 2011
332 (A.B. 576), at page 3162. In particular:

333 1. Section 54 of A.B. 576, at page 3171, which amended NRS 218A.645 to
334 simplify and clarify the provisions of that section in accordance with the definitions
335 added to chapter 218A of NRS by sections 2-31 of A.B. 576 (codified as NRS
336 218A.003-218A.090), at pages 3162 and 3163, inadvertently failed to delete from
337 subsection 1 of NRS 218A.645 a reference to "elected or appointed" Legislators
338 that was rendered obsolete by the definition of "Legislator" set forth in NRS
339 218A.072. To correct this technical error, subsection 1 of NRS 218A.645 has been
340 revised as necessary to delete that obsolete reference. In addition, subsection 2 of
341 NRS 218A.645 has been revised to simplify and clarify the references in that
342 subsection to a pre-session orientation conference, and subsection 3 of NRS
343 218A.645 has been revised as necessary to correct a grammatical error in a
344 reference to the per diem allowance authorized by subsection 2 of that section.

345 2. Sections 64 and 65 of A.B. 576, at page 3178, which amended NRS
346 218A.925 and 218A.930, respectively, to clarify the procedure for the issuance and
347 service of, and a hearing on, a legislative citation of a person for contempt,
348 inadvertently failed to refer consistently to that person as being an "alleged"



349 offender. Sections 64 and 65 of A.B. 576 have therefore been revised as necessary
350 to correct this technical error.

351 **Section 25** of this bill corrects errors in chapter 501, Statutes of Nevada 2011
352 (A.B. 81), at page 3268. In particular:

353 1. Section 54 of A.B. 81, at page 3302, inappropriately amended NRS
354 294A.286, which provides for the establishment of a legal defense fund by a public
355 officer or a candidate for public office, to add a new subsection providing for the
356 use of campaign contributions to pay legal expenses without regard to the
357 establishment of such a legal defense fund. That subsection was therefore moved in
358 codification to a more appropriate section, NRS 294A.160, which contains other
359 provisions regarding the use of campaign contributions. However, sections 29, 56,
360 59, 61 and 62 of A.B. 81, at pages 3284, 3303, 3304 and 3305, would have added
361 provisions to NRS 293.4687, 294A.350, 294A.373, 294A.390 and 294A.400,
362 respectively, that were dependent on the inappropriate placement of that subsection
363 in NRS 294A.286. To correct this technical error, A.B. 81 has been revised as
364 necessary to remove those dependent provisions.

365 2. Sections 61-63 of A.B. 81, at pages 3305 and 3306, which amended NRS
366 294A.390, 294A.400 and 294A.420, respectively, inadvertently included references
367 regarding the reports required by section 37 of A.B. 81 (codified as NRS
368 294A.348), at page 3287, which contains no reporting requirements. To correct this
369 technical error, sections 61-63 of A.B. 81 have been revised as necessary to remove
370 those inappropriate references.

371 **Section 26** of this bill corrects errors in the amendment of NRS 684A.130,
372 689.235, 689.520, 692B.070, 692B.190 and 697.180 by sections 23, 45, 47, 59, 60
373 and 122, respectively, of chapter 506, Statutes of Nevada 2011 (A.B. 74), at pages
374 3365, 3377, 3380, 3389, 3391 and 3417, respectively. Although the amendments
375 contained in sections 23, 45, 47, 59, 60 and 122 of A.B. 74 were made to expire by
376 limitation upon the repeal of certain federal requirements relating to the
377 enforcement of child support, those amendments are unrelated to those federal
378 requirements and were not intended to expire at that time. To correct this technical
379 error, section 132 of A.B. 74, at page 3424, which contains the effective dates for
380 the provisions of A.B. 74, has been revised as necessary to prevent the expiration of
381 those amendments.

382 **Section 27** of this bill corrects errors in chapter 530, Statutes of Nevada 2011
383 (S.B. 271), at page 3710, which provides for the withdrawal of the State of Nevada
384 from the Tahoe Regional Planning Compact under certain circumstances. In
385 particular:

386 1. Section 1.5 of S.B. 271, at page 3711, which amended NRS 277.200 to
387 propose several amendments to the Compact, inadvertently included as part of the
388 existing provisions of the Compact certain amendments proposed in 1997 that have
389 not become effective. To correct this technical error, section 1.5 of S.B. 271 has
390 been revised as necessary to remove those inappropriate provisions.

391 2. Although section 17.7 of S.B. 271, at page 3739, deleted the effective dates
392 for sections 2 and 3 of chapter 311, Statutes of Nevada 1997 (S.B. 24 of 1997), at
393 pages 1147 and 1169, respectively, which provided for certain contingent
394 amendments to the Compact, S.B. 271 inadvertently failed to repeal those sections
395 as intended. To correct this technical error, section 18 of S.B. 271, at page 3740,
396 has been revised as necessary to repeal sections 2 and 3 of S.B. 24 of 1997.

397 3. Section 25 of S.B. 271, at page 3743, which contains the effective dates for
398 the provisions of S.B. 271, will cause this State's withdrawal from the Compact to
399 occur on October 1, 2015, unless certain designated events occur before that date,
400 or would have caused that withdrawal to occur on October 1, 2017, if the Governor
401 issues a proclamation pursuant to the provisions of section 23.5 of S.B. 271, at page
402 3742, before October 1, 2015. However, it was intended that this withdrawal would
403 not occur if the Governor issued that proclamation pursuant to the provisions of



404 section 23.5 of S.B. 271 and those designated events occurred before October 1,
405 2017. Sections 23.5 and 25 of S.B. 271 have therefore been revised as necessary to
406 clarify those circumstances under which the withdrawal from the Compact would
407 not occur.

408 4. Section 17.3 of S.B. 271, at page 3739, amended section 3 of chapter 22,
409 Statutes of Nevada 1987 (A.B. 5 of 1987), at page 53, to preclude the provisions of
410 A.B. 5 of 1987, which proposed certain contingent amendments to the Compact,
411 from ever becoming effective. Section 18 of S.B. 271, at page 3740, accordingly
412 repealed sections 1 and 2 of chapter 442, Statutes of Nevada 1985 (A.B. 675 of
413 1985), at pages 1257 and 1258, respectively, which proposed certain contingent
414 amendments to NRS 278.792 that were dependent on the amendments to the
415 Compact proposed by A.B. 5 of 1987. However, although the amendment of
416 section 3 of A.B. 5 of 1987 by section 17.3 of S.B. 271 was made to become
417 effective without any contingency, the repeal of sections 1 and 2 of A.B. 675 of
418 1985 by section 18 of S.B. 271 was inadvertently made to become effective on a
419 contingent basis only. To correct this technical error, section 25 of S.B. 271 has
420 been revised as necessary to cause the repeal of sections 1 and 2 of A.B. 675 of
421 1985 by subsection 2 of section 18 of S.B. 271 to become effective on the same
422 definite date as the amendment of section 3 of A.B. 5 of 1987 by section 17.3 of
423 S.B. 271.

424 **Section 28** of this bill corrects errors in several amendments to the Tahoe
425 Regional Planning Compact (codified as NRS 277.200) proposed during past
426 legislative sessions. Although the amendments to the Compact proposed by chapter
427 22, Statutes of Nevada 1987 (A.B. 5 of 1987), at page 28, were intended to
428 supersede the amendments to the Compact proposed by chapter 224, Statutes of
429 Nevada 1981 (S.B. 347 of 1981), at page 415, as amended by chapter 731, Statutes
430 of Nevada 1981 (S.B. 710 of 1981), at page 1824, and the amendments to the
431 Compact proposed by chapter 450, Statutes of Nevada 1983 (S.B. 441 of 1983), at
432 page 1137, and chapter 274, Statutes of Nevada 1985 (A.B. 433 of 1985), at page
433 819, those superseded amendments have never been repealed. To correct this
434 technical error, the relevant provisions of S.B. 347 of 1981, S.B. 710 of 1981, S.B.
435 441 of 1983 and A.B. 433 of 1985 are now being repealed.

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

1 **Section 1.** Section 58.8 of chapter 504, Statutes of Nevada
2 2009, as added by chapter 28, Statutes of Nevada 2011, at page 125,
3 is hereby amended to read as follows:

4 Sec. 58.8. Section 28 of this act is hereby amended to
5 read as follows:

6 Sec. 28. 1. An application for a license for an off-
7 highway vehicle dealer, long-term or short-term lessor or
8 manufacturer must be filed upon forms supplied by the
9 Department . ~~and include the social security number of~~
10 ~~the applicant.~~ The forms must designate the persons
11 whose names are required to appear thereon. The applicant
12 must furnish:



1 (a) Such proof as the Department may deem necessary
2 that the applicant is an off-highway vehicle dealer, long-
3 term or short-term lessor or manufacturer.

4 (b) A fee of \$125.

5 (c) A fee for the processing of fingerprints. The
6 Department shall establish by regulation the fee for
7 processing fingerprints. The fee must not exceed the sum
8 of the amounts charged by the Central Repository for
9 Nevada Records of Criminal History and the Federal
10 Bureau of Investigation for processing the fingerprints.

11 (d) For initial licensure, a complete set of the
12 applicant's fingerprints and written permission authorizing
13 the Department to forward those fingerprints to the
14 Central Repository for Nevada Records of Criminal
15 History for submission to the Federal Bureau of
16 Investigation for its report.

17 (e) ~~If the applicant is a natural person, the statement
18 required pursuant to section 24 of this act.~~

19 ~~—(f)~~ A certificate of insurance for liability.

20 2. Upon receipt of the application and when satisfied
21 that the applicant is entitled thereto, the Department shall
22 issue to the applicant a license for an off-highway vehicle
23 dealer, long-term or short-term lessor or manufacturer
24 containing the name of the licensee and the address of his
25 or her established place of business or the address of the
26 main office of a manufacturer without an established place
27 of business in this State.

28 3. Licenses issued pursuant to this section expire on
29 December 31 of each year. Before December 31 of each
30 year, a licensee must furnish the Department with an
31 application for renewal of his or her license accompanied
32 by an annual fee of \$50. ~~If the applicant is a natural
33 person, the application for renewal also must be
34 accompanied by the statement required pursuant to section
35 24 of this act.~~ The additional fee for the processing of
36 fingerprints, established by regulation pursuant to
37 paragraph (c) of subsection 1, must be submitted for each
38 applicant whose name does not appear on the original
39 application for the license. The renewal application must
40 be provided by the Department and contain information
41 required by the Department.

42 **Sec. 2.** Chapter 100, Statutes of Nevada 2011, at page 452, is
43 hereby amended by adding thereto a new section to be designated as
44 sec. 27.5, immediately following sec. 27, to read as follows:

45 Sec. 27.5. NRS 701.565 is hereby repealed.



1 **Sec. 3.** Chapter 113, Statutes of Nevada 2011, at page 507, is
2 hereby amended by adding thereto a new section to be designated as
3 sec. 5.5, immediately following sec. 5, to read as follows:

4 Sec. 5.5. NRS 535.040 is hereby amended to read as
5 follows:

6 535.040 The provisions of NRS 535.010, 535.020 and
7 535.030 *and section 5 of this act* and the performance by the
8 State Engineer of the duties of the State Engineer under them
9 do not constitute a warranty in favor of anyone concerning
10 the water to be impounded or diverted.

11 **Sec. 4.** 1. Section 2 of chapter 156, Statutes of Nevada 2011,
12 at page 715, is hereby amended to read as follows:

13 Sec. 2. NRS 463.310 is hereby amended to read as
14 follows:

15 463.310 1. The Board shall make appropriate
16 investigations:

17 (a) To determine whether there has been any violation of
18 this chapter or chapter 462, 464, 465 or 466 of NRS or any
19 regulations adopted thereunder.

20 (b) To determine any facts, conditions, practices or
21 matters which it may deem necessary or proper to aid in the
22 enforcement of any such law or regulation.

23 (c) To aid in adopting regulations.

24 (d) To secure information as a basis for recommending
25 legislation relating to this chapter or chapter 462, 464, 465 or
26 466 of NRS.

27 (e) As directed by the Commission.

28 2. If, after any investigation the Board is satisfied that

29 ~~that~~ :

30 (a) *A license, registration, finding of suitability,*
31 *preliminary finding of suitability,* pari-mutuel license or
32 prior approval by the Commission of any transaction for
33 which the approval was required or permitted under the
34 provisions of this chapter or chapter 462, 464 or 466 of NRS
35 should be limited, conditioned, suspended or revoked ~~that~~ ;
36 *or*

37 (b) *A person or entity which is licensed, registered,*
38 *found suitable or found preliminarily suitable pursuant to*
39 *this chapter or chapter 464 of NRS or which previously*
40 *obtained approval for any act or transaction for which*
41 *Commission approval was required or permitted under the*
42 *provisions of this chapter or chapter 464 of NRS should be*
43 *fined,*

44 ↳ *the Board* shall initiate a hearing before the Commission
45 by filing a complaint with the Commission in accordance



1 with NRS 463.312 and transmit therewith a summary of
2 evidence in its possession bearing on the matter and the
3 transcript of testimony at any investigative hearing conducted
4 by or on behalf of the Board.

5 3. Upon receipt of the complaint of the Board, the
6 Commission shall review ~~the~~ *the complaint* and all matter
7 presented in support thereof, and shall conduct further
8 proceedings in accordance with NRS 463.3125 to 463.3145,
9 inclusive.

10 4. After the provisions of subsections 1, 2 and 3 have
11 been complied with, the Commission may:

12 (a) Limit, condition, suspend or revoke the license of any
13 licensed gaming establishment or the individual license of
14 any licensee without affecting the license of the
15 establishment;

16 (b) Limit, condition, suspend or revoke any registration,
17 finding of suitability, *preliminary finding of suitability*, pari-
18 mutuel license, or prior approval given or granted to any
19 applicant by the Commission;

20 (c) Order a licensed gaming establishment to keep an
21 individual licensee from the premises of the licensed gaming
22 establishment or not to pay the licensee any remuneration for
23 services or any profits, income or accruals on the investment
24 of the licensee in the licensed gaming establishment; and

25 (d) Fine each person or entity , or both, ~~who was~~ *which*
26 *is* licensed, registered , ~~or~~ found suitable *or found*
27 *preliminarily suitable* pursuant to this chapter or chapter 464
28 of NRS or ~~who~~ *which* previously obtained approval for any
29 act or transaction for which Commission approval was
30 required or permitted under the provisions of this chapter or
31 chapter 464 of NRS:

32 (1) Not less than \$25,000 ~~nor~~ *and not* more than
33 \$250,000 for each separate violation of any regulation
34 adopted pursuant to NRS 463.125 which is the subject of an
35 initial or subsequent complaint; or

36 (2) Except as otherwise provided in subparagraph (1) ,
37 ~~of this paragraph.~~ not more than \$100,000 for each separate
38 violation of the provisions of this chapter or chapter 464 or
39 465 of NRS or of the regulations of the Commission which is
40 the subject of an initial complaint and not more than
41 \$250,000 for each separate violation of the provisions of this
42 chapter or chapter 464 or 465 of NRS or of the regulations of
43 the Commission which is the subject of any subsequent
44 complaint.



1 ↪ All fines must be paid to the State Treasurer for deposit in
2 the State General Fund.

3 5. For the second violation of any provision of chapter
4 465 of NRS by any licensed gaming establishment or
5 individual licensee, the Commission shall revoke the license
6 of the establishment or person.

7 6. If the Commission limits, conditions, suspends or
8 revokes any license or imposes a fine, or limits, conditions,
9 suspends or revokes any registration, finding of suitability,
10 *preliminary finding of suitability*, pari-mutuel license or
11 prior approval, it shall issue its written order therefor after
12 causing to be prepared and filed its written decision upon
13 which the order is based.

14 7. Any such limitation, condition, revocation, suspension
15 or fine so made is effective until reversed upon judicial
16 review, except that the Commission may stay its order
17 pending a rehearing or judicial review upon such terms and
18 conditions as it deems proper.

19 8. Judicial review of any such order or decision of the
20 Commission may be had in accordance with NRS 463.315 to
21 463.318, inclusive.

22 2. Chapter 156, Statutes of Nevada 2011, at page 716, is
23 hereby amended by adding thereto a new section to be designated as
24 sec. 3, immediately following sec. 2, to read as follows:

25 Sec. 3. NRS 463.339 is hereby amended to read as
26 follows:

27 463.339 An applicant for licensing, registration, finding
28 of suitability , *preliminary finding of suitability* or any
29 approval or consent required by this chapter or chapter 462 of
30 NRS shall make full and true disclosure of all information to
31 the Board, Commission or other relevant governmental
32 authority as necessary or appropriate in the public interest or
33 as required in order to carry out the policies of this state
34 relating to licensing and control of the gaming industry and
35 the operation of charitable lotteries.

36 **Sec. 5.** Chapter 194, Statutes of Nevada 2011, at page 879, is
37 hereby amended by adding thereto a new section to be designated as
38 sec. 3.5, immediately following sec. 3, to read as follows:

39 Sec. 3.5. Section 31 of chapter 422, Statutes of Nevada
40 2009, at page 2339, is hereby amended to read as follows:

41 Sec. 31. 1. This section and sections 6, 9, 10, 11,
42 13, 15, 16, 17, 20, 22, 24, 26, 28 and 30 of this act become
43 effective on July 1, 2009.



1 2. Sections 1, 2, 3.5 and 18 of this act become
2 effective on July 1, 2009, for the purpose of adopting
3 regulations and on July 1, 2010, for all other purposes.

4 3. Sections 3, 4 to 5.7, inclusive, 7, 8, 12, 14, 14.5,
5 19, 21, 21.3, 21.7, 23, 25, 25.3, 25.7, 27 and 29 of this act
6 become effective on July 1, 2010.

7 ~~4. Sections 23 and 25 of this act expire by limitation~~
8 ~~on June 30, 2011.~~

9 **Sec. 6.** Section 35 of chapter 252, Statutes of Nevada 2011, at
10 page 1100, is hereby amended to read as follows:

11 Sec. 35. 1. This section, sections 1 to 32, inclusive,
12 and section 34 of this act become effective:

13 (a) Upon passage and approval for the purpose of issuing
14 licenses to qualified applicants; and

15 (b) On January 1, 2012, for all other purposes.

16 2. Section 33 of this act becomes effective on the date on
17 which the provisions of 42 U.S.C. § 666 requiring each state
18 to establish procedures under which the state has authority to
19 withhold or suspend, or to restrict the use of professional,
20 occupational and recreational licenses of persons who:

21 (a) Have failed to comply with a subpoena or warrant
22 relating to a proceeding to determine the paternity of a child
23 or to establish or enforce an obligation for the support of a
24 child; or

25 (b) Are in arrears in the payment for the support of one or
26 more children,

27 ↪ are repealed by the Congress of the United States.

28 3. Sections 14, 22 and 33 of this act expire by limitation
29 2 years after the date on which the provisions of 42 U.S.C. §
30 666 requiring each state to establish procedures under which
31 the state has authority to withhold or suspend, or to restrict
32 the use of professional, occupational and recreational licenses
33 of persons who:

34 (a) Have failed to comply with a subpoena or warrant
35 relating to a proceeding to determine the paternity of a child
36 or to establish or enforce an obligation for the support of a
37 child; or

38 (b) Are in arrears in the payment for the support of one or
39 more children,

40 ↪ are repealed by the Congress of the United States.

41 **Sec. 7.** Section 65 of chapter 273, Statutes of Nevada 2011, at
42 page 1522, is hereby amended to read as follows:

43 Sec. 65. 1. This section and sections 11 and 63 of this
44 act become effective upon passage and approval.



1 2. Sections 1 to 10, inclusive, 12 to 61, inclusive, 63.5
2 and 64 of this act become effective on July 1, 2011, for the
3 purpose of adopting regulations and carrying out any other
4 administrative tasks, and on January 1, 2012, for all other
5 purposes.

6 3. Section 62 of this act becomes effective on the date on
7 which the provisions of 42 U.S.C. § 666 requiring each state
8 to establish procedures under which the state has authority to
9 withhold or suspend, or to restrict the use of professional,
10 occupational and recreational licenses of persons who:

11 (a) Have failed to comply with a subpoena or warrant
12 relating to a proceeding to determine the paternity of a child
13 or to establish or enforce an obligation for the support of a
14 child; or

15 (b) Are in arrears in the payment for the support of one or
16 more children,

17 ↪ are repealed by the Congress of the United States.

18 4. Sections 26, 35 and 62 of this act expire by limitation
19 on the date 2 years after the date on which the provisions of
20 42 U.S.C. § 666 requiring each state to establish procedures
21 under which the state has authority to withhold or suspend, or
22 to restrict the use of professional, occupational and
23 recreational licenses of persons who:

24 (a) Have failed to comply with a subpoena or warrant
25 relating to a proceeding to determine the paternity of a child
26 or to establish or enforce an obligation for the support of a
27 child; or

28 (b) Are in arrears in the payment for the support of one or
29 more children,

30 ↪ are repealed by the Congress of the United States.

31 **Sec. 8.** 1. Chapter 289, Statutes of Nevada 2011, at page
32 1621, is hereby amended by adding thereto a new section to be
33 designated as sec. 1.5, immediately following section 1, to read as
34 follows:

35 Sec. 1.5. NRS 338.525 is hereby amended to read as
36 follows:

37 338.525 1. ~~+~~ **Except as otherwise provided in NRS**
38 **338.515, a** public body may, but is not required to, withhold
39 from a progress payment or retainage payment an amount
40 sufficient to pay the expenses the public body reasonably
41 expects to incur as a result of the failure of the contractor to
42 comply with the contract or applicable building code, law or
43 regulation.

44 2. A public body shall, within 20 days after it receives a
45 progress bill or retainage bill from a contractor, give a written



1 notice to the contractor of any amount that will be withheld
2 pursuant to this section. The written notice must set forth:

3 (a) The amount of the progress payment or retainage
4 payment that will be withheld from the contractor; and

5 (b) A detailed explanation of the reason the public body
6 will withhold that amount, including, without limitation, a
7 specific reference to the provision or section of the contract,
8 or any documents related thereto, or the applicable building
9 code, law or regulation with which the contractor has failed to
10 comply.

11 ➤ The written notice must be signed by an authorized agent
12 of the public body.

13 3. If the public body receives a written notice of the
14 correction of the condition that is the reason for the
15 withholding, signed by an authorized agent of the contractor,
16 the public body shall, after confirming that the condition has
17 been corrected, pay the amount withheld by the public body
18 within 30 days after the public body receives the next
19 progress bill or retainage bill.

20 2. Section 4 of chapter 289, Statutes of Nevada 2011, at page
21 1622, is hereby amended to read as follows:

22 Sec. 4. NRS 338.560 is hereby amended to read as
23 follows:

24 338.560 1. ~~1A~~ *Except as otherwise provided in*
25 *subsection 2 of NRS 338.555, a* contractor may withhold
26 from a progress payment or retainage payment an amount
27 sufficient to pay:

28 (a) The expenses the contractor reasonably expects to
29 incur as a result of the failure of his or her subcontractor or
30 supplier to comply with the subcontract or applicable building
31 code, law or regulation.

32 (b) An amount withheld from payment to the contractor
33 by a public body pursuant to subsection ~~1A~~ 8 of NRS 338.515
34 for a claim for wages against the subcontractor.

35 2. A contractor shall, within 10 days after the contractor
36 receives:

37 (a) A progress payment or retainage payment from the
38 public body for an amount that is less than the amount set
39 forth in the applicable progress bill or retainage bill; or

40 (b) A progress bill or retainage bill from his or her
41 subcontractor or supplier,

42 ➤ give a written notice to his or her subcontractor or supplier
43 of any amount that will be withheld pursuant to this section.

44 3. The written notice must:

45 (a) Set forth:



1 (1) The amount of the progress payment or retainage
2 payment that will be withheld from his or her subcontractor
3 or supplier; and

4 (2) A detailed explanation of the reason the contractor
5 will withhold that amount, including, without limitation, a
6 specific reference to the provision or section of the
7 subcontract, or documents related thereto, or applicable
8 building code, law or regulation with which his or her
9 subcontractor or supplier has failed to comply; and

10 (b) Be signed by an authorized agent of the contractor.

11 4. The contractor shall pay to his or her subcontractor or
12 supplier the amount withheld by the public body or the
13 contractor within 10 days after:

14 (a) The contractor receives a written notice of
15 the correction of the condition that is the reason for the
16 withholding, signed by an authorized agent of the
17 subcontractor or supplier; or

18 (b) The public body pays to the contractor the amount
19 withheld,

20 ↪ whichever occurs later.

21 3. Chapter 289, Statutes of Nevada 2011, at page 1624, is
22 hereby amended by adding thereto a new section to be designated as
23 sec. 5.5, immediately following sec. 5, to read as follows:

24 Sec. 5.5. NRS 338.600 is hereby amended to read as
25 follows:

26 338.600 1. ~~1A~~ *Except as otherwise provided in NRS*
27 *338.595, a* subcontractor may withhold from a progress
28 payment or retainage payment an amount sufficient to pay the
29 expenses the subcontractor reasonably expects to incur as a
30 result of the failure of his or her subcontractor or supplier to
31 comply with the subcontract or applicable building code, law
32 or regulation.

33 2. A subcontractor shall, within 10 days after the
34 subcontractor receives:

35 (a) A progress payment or retainage payment from a
36 contractor for an amount that is less than the amount set forth
37 in the applicable progress bill or retainage bill; or

38 (b) A progress bill or retainage bill from his or her
39 subcontractor or supplier,

40 ↪ give a written notice to his or her subcontractor or supplier
41 of any amount that will be withheld pursuant to this section.

42 3. The written notice must:

43 (a) Set forth:



1 (1) The amount of the progress payment or retainage
2 payment that will be withheld from his or her subcontractor
3 or supplier; and

4 (2) A detailed explanation of the reason the
5 subcontractor will withhold that amount, including, without
6 limitation, a specific reference to the provision or section of
7 the subcontract, or documents related thereto, or applicable
8 building code, law or regulation with which the subcontractor
9 or supplier has failed to comply; and

10 (b) Be signed by an authorized agent of the subcontractor.

11 4. The subcontractor shall pay to his or her subcontractor
12 or supplier the amount withheld by the public body,
13 contractor or subcontractor within 10 days after:

14 (a) The subcontractor receives a written notice of the
15 correction of the condition that is the reason for the
16 withholding, signed by an authorized agent of his or her
17 subcontractor or supplier; or

18 (b) The contractor pays to the subcontractor the amount
19 withheld,

20 ↪ whichever occurs later.

21 **Sec. 9.** Chapter 309, Statutes of Nevada 2011, at page 1732, is
22 hereby amended by adding thereto a new section to be designated as
23 sec. 33.5, immediately following sec. 33, to read as follows:

24 Sec. 33.5. NRS 281A.660 is hereby amended to read as
25 follows:

26 281A.660 1. If the Secretary of State receives
27 information that a candidate for public office or public officer
28 willfully fails to file a statement of financial disclosure or
29 willfully fails to file a statement of financial disclosure in a
30 timely manner pursuant to NRS 281A.600 or 281A.610, *or*
31 *section 23 of this act*, the Secretary of State may, after giving
32 notice to that person or entity, cause the appropriate
33 proceedings to be instituted in the First Judicial District
34 Court.

35 2. Except as otherwise provided in this section, a
36 candidate for public office or public officer who willfully
37 fails to file a statement of financial disclosure or willfully
38 fails to file a statement of financial disclosure in a timely
39 manner pursuant to NRS 281A.600 or 281A.610 *or section*
40 *23 of this act* is subject to a civil penalty and payment of
41 court costs and attorney's fees. The civil penalty must be
42 recovered in a civil action brought in the name of the State of
43 Nevada by the Secretary of State in the First Judicial District
44 Court and deposited by the Secretary of State for credit to the



1 State General Fund in the bank designated by the State
2 Treasurer.

3 3. The amount of the civil penalty is:

4 (a) If the statement is filed not more than 10 days after the
5 applicable deadline set forth in subsection 1 of NRS
6 281A.600 or subsection 1 of NRS 281A.610, *or section 23 of*
7 *this act*, \$25.

8 (b) If the statement is filed more than 10 days but not
9 more than 20 days after the applicable deadline set forth in
10 subsection 1 of NRS 281A.600 or subsection 1 of NRS
11 281A.610, *or section 23 of this act*, \$50.

12 (c) If the statement is filed more than 20 days but not
13 more than 30 days after the applicable deadline set forth in
14 subsection 1 of NRS 281A.600 or subsection 1 of NRS
15 281A.610, *or section 23 of this act*, \$100.

16 (d) If the statement is filed more than 30 days but not
17 more than 45 days after the applicable deadline set forth in
18 subsection 1 of NRS 281A.600 , ~~for~~ subsection 1 of NRS
19 281A.610 ~~+~~ *or section 23 of this act*, \$250.

20 (e) If the statement is not filed or is filed more than 45
21 days after the applicable deadline set forth in subsection 1 of
22 NRS 281A.600 or subsection 1 of NRS 281A.610, *or section*
23 *23 of this act*, \$2,000.

24 4. For good cause shown, the Secretary of State may
25 waive a civil penalty that would otherwise be imposed
26 pursuant to this section. If the Secretary of State waives a
27 civil penalty pursuant to this subsection, the Secretary of
28 State shall:

29 (a) Create a record which sets forth that the civil penalty
30 has been waived and describes the circumstances that
31 constitute the good cause shown; and

32 (b) Ensure that the record created pursuant to paragraph
33 (a) is available for review by the general public.

34 5. As used in this section, “willfully” means
35 intentionally and knowingly.

36 **Sec. 10.** Section 5.5 of chapter 311, Statutes of Nevada 2011,
37 at page 1743, is hereby amended to read as follows:

38 Sec. 5.5. NRS 40.495 is hereby amended to read as
39 follows:

40 40.495 1. The provisions of NRS 40.475 and 40.485
41 may be waived by the guarantor, surety or other obligor only
42 after default.

43 2. Except as otherwise provided in subsection ~~4+~~ 5, a
44 guarantor, surety or other obligor, other than the mortgagor or
45 grantor of a deed of trust, may waive the provisions of



1 NRS 40.430. If a guarantor, surety or other obligor waives the
2 provisions of NRS 40.430, an action for the enforcement of
3 that person's obligation to pay, satisfy or purchase all or part
4 of an indebtedness or obligation secured by a mortgage or
5 lien upon real property may be maintained separately and
6 independently from:

7 (a) An action on the debt;

8 (b) The exercise of any power of sale;

9 (c) Any action to foreclose or otherwise enforce a
10 mortgage or lien and the indebtedness or obligations secured
11 thereby; and

12 (d) Any other proceeding against a mortgagor or grantor
13 of a deed of trust.

14 3. If the obligee maintains an action to foreclose or
15 otherwise enforce a mortgage or lien and the indebtedness or
16 obligations secured thereby, the guarantor, surety or other
17 obligor may assert any legal or equitable defenses provided
18 pursuant to the provisions of NRS 40.451 to 40.463, inclusive
19 **H**, and sections 1.2 to 3.3, inclusive, of this act.

20 4. *If, before a foreclosure sale of real property, the*
21 *obligee commences an action against a guarantor, surety or*
22 *other obligor, other than the mortgagor or grantor of a deed*
23 *of trust, to enforce an obligation to pay, satisfy or purchase*
24 *all or part of an indebtedness or obligation secured by a*
25 *mortgage or lien upon the real property:*

26 (a) *The court must hold a hearing and take evidence*
27 *presented by either party concerning the fair market value*
28 *of the property as of the date of the commencement of the*
29 *action. Notice of such hearing must be served upon all*
30 *defendants who have appeared in the action and against*
31 *whom a judgment is sought, or upon their attorneys of*
32 *record, at least 15 days before the date set for the hearing.*

33 (b) *After the hearing, if the court awards a money*
34 *judgment against the guarantor, surety or other obligor who*
35 *is personally liable for the debt, the court must not render*
36 *judgment for more than:*

37 (1) *The amount by which the amount of the*
38 *indebtedness exceeds the fair market value of the property*
39 *as of the date of the commencement of the action; or*

40 (2) *If a foreclosure sale is concluded before a*
41 *judgment is entered, the amount that is the difference*
42 *between the amount for which the property was actually*
43 *sold and the amount of the indebtedness which was secured,*
44 **↳** *whichever is the lesser amount.*



1 **5.** The provisions of NRS 40.430 may not be waived by
2 a guarantor, surety or other obligor if the mortgage or lien:

3 (a) Secures an indebtedness for which the principal
4 balance of the obligation was never greater than \$500,000;

5 (b) Secures an indebtedness to a seller of real property for
6 which the obligation was originally extended to the seller for
7 any portion of the purchase price;

8 (c) Is secured by real property which is used primarily for
9 the production of farm products as of the date the mortgage or
10 lien upon the real property is created; or

11 (d) Is secured by real property upon which:

12 (1) The owner maintains the owner's principal
13 residence;

14 (2) There is not more than one residential structure;
15 and

16 (3) Not more than four families reside.

17 **6. As used in this section, "foreclosure sale" has the**
18 **meaning ascribed to it in NRS 40.462.**

19 **Sec. 11.** Section 12 of chapter 338, Statutes of Nevada 2011,
20 at page 1907, is hereby amended to read as follows:

21 Sec. 12. NRS 31.296 is hereby amended to read as
22 follows:

23 31.296 1. Except as otherwise provided in subsection
24 3, if the garnishee indicates in the garnishee's answer to
25 garnishee interrogatories that the garnishee is the employer of
26 the defendant, the writ of garnishment served on the
27 garnishee shall be deemed to continue for 120 days or until
28 the amount demanded in the writ is satisfied, whichever
29 occurs earlier.

30 2. In addition to the fee set forth in NRS 31.270, a
31 garnishee is entitled to a fee from the plaintiff of \$3 per pay
32 period, not to exceed \$12 per month, for each withholding
33 made of the defendant's earnings. This subsection does not
34 apply to the first pay period in which the defendant's earnings
35 are garnished.

36 3. If the defendant's employment by the garnishee is
37 terminated before the writ of garnishment is satisfied, the
38 garnishee:

39 (a) Is liable only for the amount of earned but unpaid,
40 disposable earnings that are subject to garnishment.

41 (b) Shall provide the plaintiff or the plaintiff's attorney
42 with the last known address of the defendant and the name of
43 any new employer of the defendant, if known by the
44 garnishee.



1 4. *The judgment creditor who caused the writ of*
2 *garnishment to issue pursuant to NRS 31.260 shall prepare*
3 *an accounting and provide a report to the judgment debtor,*
4 *the sheriff and each garnishee every 120 days which sets*
5 *forth, without limitation, the amount owed by the judgment*
6 *debtor, the costs and fees allowed pursuant to NRS 18.160*
7 *and any accrued interest and costs on the judgment. The*
8 *report must advise the judgment debtor of the judgment*
9 *debtor's right to request a hearing pursuant to NRS 18.110*
10 *to dispute any accrued interest, fee or other charge. The*
11 *judgment creditor must submit this accounting with each*
12 *subsequent application for writ made by the judgment*
13 *creditor concerning the same debt.*

14 **Sec. 12.** 1. Section 42 of chapter 343, Statutes of Nevada
15 2011, at page 1929, is hereby amended to read as follows:

16 Sec. 42. NRS 293C.322 is hereby amended to read as
17 follows:

18 293C.322 1. Except as otherwise provided in
19 subsection 2 and ~~NRS 293C.315,†~~ *sections 2 to 29,*
20 *inclusive, of this act,* if the request for an absent ballot is
21 made by mail or facsimile machine, the city clerk shall, as
22 soon as the official absent ballot for the precinct or district in
23 which the applicant resides has been printed, send to the voter
24 by first-class mail, or by any class of mail if the Official
25 Election Mail logo or an equivalent logo or mark created by
26 the United States Postal Service is properly placed on the
27 official absent ballot:

- 28 (a) An absent ballot;
29 (b) A return envelope;
30 (c) An envelope or similar device into which the ballot is
31 inserted to ensure its secrecy; *and*
32 (d) ~~An identification envelope, if applicable pursuant to~~
33 ~~NRS 293C.315; and~~
34 ~~—(e)†~~ Instructions.

35 2. If the city clerk fails to send an absent ballot pursuant
36 to subsection 1 to a voter who resides within the continental
37 United States, the city clerk may use a facsimile machine to
38 send an absent ballot and instructions to the voter. The voter
39 may mail the absent ballot to the city clerk or submit the
40 absent ballot by facsimile machine.

41 3. The return envelope sent pursuant to subsection 1
42 must include postage prepaid by first-class mail if the absent
43 voter is within the boundaries of the United States, its
44 territories or possessions or on a military base.



1 4. Nothing may be enclosed or sent with an absent ballot
2 except as required by subsection 1 or 2 and ~~NRS 293C.315.~~
3 *sections 2 to 29, inclusive, of this act.*

4 5. Before depositing a ballot with the United States
5 Postal Service or sending a ballot by facsimile machine, the
6 city clerk shall record the date the ballot is issued, the name
7 of the registered voter to whom it is issued, the registered
8 voter's precinct or district, the number of the ballot and any
9 remarks the city clerk finds appropriate.

10 6. The Secretary of State shall adopt regulations to carry
11 out the provisions of subsection 2.

12 2. Section 45 of chapter 343, Statutes of Nevada 2011, at page
13 1931, is hereby amended to read as follows:

14 Sec. 45. NRS 293.106, 293.3155, 293.3157, 293.501
15 and 293C.315 *and section 23 of chapter 501, Statutes of*
16 *Nevada 2011, at page 3281,* are hereby repealed.

17 **Sec. 13.** Section 10 of chapter 353, Statutes of Nevada 2011,
18 at page 1995, is hereby amended to read as follows:

19 Sec. 10. *1. A local government that operates an out-*
20 *of-school recreation program shall provide the Bureau with*
21 *a copy of each report of an inspection conducted by a*
22 *governmental entity that is authorized to conduct an*
23 *inspection of the facility where the program is operated,*
24 *including, without limitation, the report of an inspection by*
25 *a local building department, a fire department, the State*
26 *Fire Marshal or a district board of health.*

27 *2. The Bureau shall establish a schedule for the*
28 *submission of such reports which requires submission of a*
29 *report of an on-site inspection once every 2 years and shall*
30 *provide a checklist to the local government which identifies*
31 *the reports that must be submitted to the Bureau.*

32 *3. The Bureau shall not require any additional*
33 *inspections of the facility of an out-of-school recreation*
34 *program which complies with the provisions of this section.*

35 **Sec. 14.** Section 65 of chapter 365, Statutes of Nevada 2011,
36 at page 2120, is hereby amended to read as follows:

37 Sec. 65. NRS 294A.365 is hereby amended to read as
38 follows:

39 294A.365 1. Each report of expenditures required
40 pursuant to NRS 294A.210, 294A.220 ~~+~~ and 294A.280 ~~and~~
41 ~~294A.283~~ must consist of a list of each expenditure in excess
42 of \$100 or \$1,000, as is appropriate, that was made during the
43 periods for reporting. Each report of expenses required
44 pursuant to NRS 294A.125 and 294A.200 must consist of a
45 list of each expense in excess of \$100 that was incurred



1 during the periods for reporting. The list in each report must
2 state the category and amount of the expense or expenditure
3 and the date on which the expense was incurred or the
4 expenditure was made.

5 2. The categories of expense or expenditure for use on
6 the report of expenses or expenditures are:

- 7 (a) Office expenses;
- 8 (b) Expenses related to volunteers;
- 9 (c) Expenses related to travel;
- 10 (d) Expenses related to advertising;
- 11 (e) Expenses related to paid staff;
- 12 (f) Expenses related to consultants;
- 13 (g) Expenses related to polling;
- 14 (h) Expenses related to special events;
- 15 (i) Except as otherwise provided in NRS 294A.362, goods
16 and services provided in kind for which money would
17 otherwise have been paid; and
- 18 (j) Other miscellaneous expenses.

19 3. Each report of expenses or expenditures described in
20 subsection 1 must list the disposition of any unspent
21 campaign contributions using the categories set forth in
22 subsection 2 of NRS 294A.160 **† or subsection 4 of**
23 ***NRS 294A.286.***

24 **Sec. 15.** Section 5 of chapter 378, Statutes of Nevada 2011, at
25 page 2260, is hereby amended to read as follows:

26 Sec. 5. NRS 391.317 is hereby amended to read as
27 follows:

28 391.317 1. At least 15 days before recommending to
29 a board that it demote, dismiss or not reemploy a
30 postprobationary employee, or dismiss or demote a
31 probationary employee, the superintendent shall give written
32 notice to the employee, by registered or certified mail, of the
33 superintendent's intention to make the recommendation.

34 2. The notice must:

35 (a) Inform the licensed employee of the grounds for the
36 recommendation.

37 (b) Inform the employee that, if a written request therefor
38 is directed to the superintendent within 10 days after receipt
39 of the notice, the employee is entitled to a hearing before a
40 hearing officer **† pursuant to NRS 391.315 to 391.3194,**
41 ***inclusive, or if the employee is deemed to be a probationary***
42 ***employee pursuant to section 1 of this act and dismissal of***
43 ***the employee will occur before the completion of the current***
44 ***school year, the employee may request an expedited hearing***
45 ***pursuant to subsection 3.***



(c) Refer to chapter 391 of NRS.

3. *If an employee who is deemed to be a probationary employee pursuant to section 1 of this act receives notice that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.3161, 391.3192 and 391.3193 do not apply.*

Sec. 16. Section 21 of chapter 379, Statutes of Nevada 2011, at page 2298, is hereby amended to read as follows:

Sec. 21. The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act

~~1. apply to all:~~

~~1. Teachers:~~

1. *Except as otherwise provided in subsection 2 and notwithstanding the provisions of section 23 of this act, do not apply to any teachers, administrators or other licensed employees of a school district before July 1, 2013.*

2. *Apply on July 1, 2011, to:*

(a) *All teachers* who are initially employed by a school district on or after July 1, 2011.

~~2. A:~~

(b) *Each* new employee who is hired by a school district as an administrator on or after July 1, 2011.

~~3. A:~~

(c) *Each* postprobationary teacher who is employed as an administrator on or after July 1, 2011.

Sec. 17. 1. Chapter 412, Statutes of Nevada 2011, at page 2561, is hereby amended by adding thereto a new section to be designated as sec. 46.5, immediately following sec. 46, to read as follows:

Sec. 46.5. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use



1 sources of renewable energy to serve those buildings,
2 facilities and structures. Such a plan must:

3 (a) ~~Be developed with input from one or more energy~~
4 ~~retrofit coordinators designated pursuant to NRS 338.1907, if~~
5 ~~any.~~

6 ~~(b)~~ Include a list of specific projects. The projects must
7 be prioritized and selected on the basis of the following
8 criteria:

9 (1) The length of time necessary to commence the
10 project.

11 (2) The number of workers estimated to be employed
12 on the project.

13 (3) The effectiveness of the project in reducing energy
14 consumption.

15 (4) The estimated cost of the project.

16 (5) Whether the project is able to be powered by or
17 otherwise use sources of renewable energy.

18 (6) Whether the project has qualified for participation
19 in one or more of the following programs:

20 (I) The Solar Energy Systems Incentive Program
21 created by NRS 701B.240;

22 (II) The Renewable Energy School Pilot Program
23 created by NRS 701B.350;

24 (III) The Wind Energy Systems Demonstration
25 Program created by NRS 701B.580; or

26 (IV) The Waterpower Energy Systems
27 Demonstration Program created by NRS 701B.820.

28 ~~(e)~~ (b) Include a list of potential funding sources for use
29 in implementing the projects, including, without limitation,
30 money available through the Energy Efficiency and
31 Conservation Block Grant Program as set forth in 42 U.S.C. §
32 17152 and grants, gifts, donations or other sources of money
33 from public and private sources.

34 2. The governing body of each local government shall
35 transmit the plan developed pursuant to subsection 1 to the
36 Director of the Office of Energy and to any other entity
37 designated for that purpose by the Legislature.

38 3. As used in this section:

39 (a) "Local government" means each city or county that
40 meets the definition of "eligible unit of local government" as
41 set forth in 42 U.S.C. § 17151 and each unit of local
42 government, as defined in subsection 12 of NRS 338.010, that
43 does not meet the definition of "eligible entity" as set forth in
44 42 U.S.C. § 17151.



1 (b) "Renewable energy" means a source of energy that
2 occurs naturally or is regenerated naturally, including,
3 without limitation:

- 4 (1) Biomass;
- 5 (2) Fuel cells;
- 6 (3) Geothermal energy;
- 7 (4) Solar energy;
- 8 (5) Waterpower; and
- 9 (6) Wind.

10 ↪ The term does not include coal, natural gas, oil, propane or
11 any other fossil fuel, or nuclear energy.

12 (c) "Retrofit" means to alter, improve, modify, remodel or
13 renovate a building, facility or structure to make that
14 building, facility or structure more energy-efficient.

15 2. Section 47 of chapter 412, Statutes of Nevada 2011, at page
16 2561, is hereby amended to read as follows:

17 Sec. 47. NRS 338.1908 is hereby amended to read as
18 follows:

19 338.1908 1. The governing body of each local
20 government shall, by July 28, 2009, develop a plan to retrofit
21 public buildings, facilities and structures, including, without
22 limitation, traffic-control systems, and to otherwise use
23 sources of renewable energy to serve those buildings,
24 facilities and structures. Such a plan must:

25 (a) Include a list of specific projects. The projects must be
26 prioritized and selected on the basis of the following criteria:

- 27 (1) The length of time necessary to commence the
28 project.
- 29 (2) The number of workers estimated to be employed
30 on the project.
- 31 (3) The effectiveness of the project in reducing energy
32 consumption.
- 33 (4) The estimated cost of the project.
- 34 (5) Whether the project is able to be powered by or
35 otherwise use sources of renewable energy.

36 (6) Whether the project has qualified for participation
37 in ~~one or more of the following programs:~~

38 ~~(I) The Solar Energy Systems Incentive Program
39 created by NRS 701B.240;~~

40 ~~(II) The~~ *the* Renewable Energy School Pilot
41 Program created by NRS 701B.350. ~~†~~

42 ~~(III) The Wind Energy Systems Demonstration
43 Program created by NRS 701B.580; or~~

44 ~~(IV) The Waterpower Energy Systems
45 Demonstration Program created by NRS 701B.820.†~~



1 (b) Include a list of potential funding sources for use in
2 implementing the projects, including, without limitation,
3 money available through the Energy Efficiency and
4 Conservation Block Grant Program as set forth in 42 U.S.C. §
5 17152 and grants, gifts, donations or other sources of money
6 from public and private sources.

7 2. The governing body of each local government shall
8 transmit the plan developed pursuant to subsection 1 to the
9 Director of the Office of Energy and to any other entity
10 designated for that purpose by the Legislature.

11 3. As used in this section:

12 (a) "Local government" means each city or county that
13 meets the definition of "eligible unit of local government" as
14 set forth in 42 U.S.C. § 17151 and each unit of local
15 government, as defined in subsection 12 of NRS 338.010, that
16 does not meet the definition of "eligible entity" as set forth in
17 42 U.S.C. § 17151.

18 (b) "Renewable energy" means a source of energy that
19 occurs naturally or is regenerated naturally, including,
20 without limitation:

- 21 (1) Biomass;
- 22 (2) Fuel cells;
- 23 (3) Geothermal energy;
- 24 (4) Solar energy;
- 25 (5) Waterpower; and
- 26 (6) Wind.

27 ↪ The term does not include coal, natural gas, oil, propane or
28 any other fossil fuel, or nuclear energy.

29 (c) "Retrofit" means to alter, improve, modify, remodel or
30 renovate a building, facility or structure to make that
31 building, facility or structure more energy-efficient.

32 3. Section 49 of chapter 412, Statutes of Nevada 2011, at page
33 2562, is hereby amended to read as follows:

34 Sec. 49. Section 113 of chapter 509, Statutes of Nevada
35 2007, at page 2999, is hereby amended to read as follows:

36 Sec. 113. 1. This act becomes effective:

37 (a) Upon passage and approval for the purposes of
38 adopting regulations and taking such other actions as are
39 necessary to carry out the provisions of this act; and

40 (b) For all other purposes besides those described in
41 paragraph (a):

42 (1) For this section and sections 1, 30, 32, 36 to 46,
43 inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of
44 this act, upon passage and approval.



(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections 62 to ~~106~~ **75, inclusive, 76 to 82, inclusive, 85 to 94, inclusive, and 95 to 105,** inclusive, of this act expire by limitation on ~~June 30, 2011~~ **December 31, 2021.**

4. Section 51 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 51. Section 21 of chapter 321, Statutes of Nevada 2009, **as amended by section 9 of chapter 28, Statutes of Nevada 2011,** at page ~~1410~~ **93,** is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.85, 1.87, 1.92, 1.93, 1.95 and 4.3 to 9, inclusive, of this act expire by limitation on ~~June 30, 2011~~.

~~3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.~~ **December 31, 2021.**

5. Chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended by adding thereto a new section to be designated as sec. 51.5, immediately following sec. 51, to read as follows:

Sec. 51.5. Section 12 of chapter 347, Statutes of Nevada 2011, at page 1944, is hereby amended to read as follows:

Sec. 12. 1. This section and sections ~~9, 10 and 11 of this act become effective upon passage and approval.~~

~~2. Sections~~ 1 to 8.5, inclusive, of this act become effective on July 1, 2011.

~~3.~~ **2.** Sections 1 and 2 of this act expire by limitation on ~~June 30, 2016~~ **December 31, 2021.**

6. Section 52 of chapter 412, Statutes of Nevada 2011, at page 2563, is hereby amended to read as follows:

Sec. 52. 1. NRS 701B.010, 701B.020, 701B.030, 701B.040, 701B.050, 701B.055, 701B.060, 701B.070, 701B.080, 701B.090, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220, 701B.230,



1 701B.240, 701B.250, 701B.255, 701B.260, 701B.265,
2 701B.280 and 701B.290 are hereby repealed.

3 2. Sections 1.53 and 19.8 of chapter 321, Statutes of
4 Nevada 2009, at pages 1372 and 1408, respectively, *and*
5 *sections 9, 10 and 11 of chapter 347, Statutes of Nevada*
6 *2011, at page 1944*, are hereby repealed.

7 7. Section 54 of chapter 412, Statutes of Nevada 2011, at page
8 2563, is hereby amended to read as follows:

9 Sec. 54. 1. This section and sections 1, 3 to 42,
10 inclusive, 44, 45, 46, 48 to ~~51.1~~ *51.5*, inclusive, subsection 2
11 of section 52 and section 53 of this act become effective upon
12 passage and approval.

13 2. *Section 46.5 of this act becomes effective on May 1,*
14 *2013.*

15 3. Sections 2, 43, 47 and subsection 1 of section 52 of
16 this act become effective on January 1, 2022.

17 **Sec. 18.** Section 3 of chapter 444, Statutes of Nevada 2011, at
18 page 2670, is hereby amended to read as follows:

19 Sec. 3. 1. *If a child who is in the custody of an*
20 *agency which provides child welfare services has a*
21 *prescription for a psychotropic medication upon entering*
22 *the custody of the agency or if the agency determines that a*
23 *child may be in need of psychiatric care, the agency shall*
24 *nominate, pending appointment by a court pursuant to*
25 *section 7 of this act, a person who is legally responsible for*
26 *the psychiatric care of the child. A person nominated*
27 *pursuant to this subsection shall be deemed to be the person*
28 *who is legally responsible for the psychiatric care of the*
29 *child pending approval by a court pursuant to section 7 of*
30 *this act.*

31 2. *Upon nominating a person who is legally*
32 *responsible for the psychiatric care of a child pursuant to*
33 *this section, the agency which provides child welfare*
34 *services shall petition the court with jurisdiction over the*
35 *child for the appointment of the nominee as the person who*
36 *is legally responsible for the psychiatric care of the child. A*
37 *petition filed pursuant to this subsection may be heard by*
38 *the court at the next hearing of the court conducted*
39 *pursuant to NRS 432B.410 to 432B.590, inclusive, and*
40 *section 7 of this act or at a hearing for the express purpose*
41 *of appointing a person pursuant to section 7 of this act.*

42 3. *The person who is legally responsible for the*
43 *psychiatric care of a child may be a parent or legal*
44 *guardian of the child or, if a parent or legal guardian of the*



1 *child is not able or willing to act as the person who is legally*
2 *responsible for the psychiatric care of the child:*

3 (a) *The attorney for the child;*

4 (b) *The guardian ad litem of the child;*

5 (c) *The foster parent or other provider of substitute care*
6 *for the child;*

7 (d) *An employee of the agency which provides child*
8 *welfare services; or*

9 (e) *Any other person who a court determines is qualified*
10 *to carry out the duties and responsibilities prescribed by*
11 *NRS 432B.197 and sections 2 to 6, inclusive, of this act and*
12 *any policies adopted pursuant thereto.*

13 **Sec. 19.** 1. Section 12.5 of chapter 449, Statutes of Nevada
14 2011, at page 2694, is hereby amended to read as follows:

15 Sec. 12.5. NRS 362.120 is hereby amended to read as
16 follows:

17 362.120 1. The Department shall, from the statement
18 filed pursuant to NRS 362.110 and from all obtainable data,
19 evidence and reports, compute in dollars and cents the gross
20 yield and net proceeds of the calendar year immediately
21 preceding the year in which the statement is filed.

22 2. The gross yield must include the value of any mineral
23 extracted which was:

24 (a) Sold;

25 (b) Exchanged for any thing or service;

26 (c) Removed from the State in a form ready for use or
27 sale; or

28 (d) Used in a manufacturing process or in providing a
29 service,

30 ↪ during that period.

31 3. The net proceeds are ascertained and determined by
32 subtracting from the gross yield the following deductions for
33 costs incurred during that period, and none other:

34 (a) The actual cost of extracting the mineral ~~H~~, *which is*
35 *limited to direct costs for activities performed in the State of*
36 *Nevada.*

37 (b) The actual cost of transporting the mineral to the place
38 or places of reduction, refining and sale.

39 (c) The actual cost of reduction, refining and sale.

40 (d) The actual cost of ~~marketing and~~ delivering the
41 mineral. ~~and the conversion of the mineral into money.~~

42 (e) The actual cost of maintenance and repairs of:

43 (1) All machinery, equipment, apparatus and facilities
44 used in the mine.



1 (2) All milling, refining, smelting and reduction
2 works, plants and facilities.

3 (3) All facilities and equipment for transportation
4 except those that are under the jurisdiction of the Public
5 Utilities Commission of Nevada or the Nevada
6 Transportation Authority.

7 ~~(f) The actual cost of fire insurance on the machinery,
8 equipment, apparatus, works, plants and facilities mentioned
9 in paragraph (e).~~

10 ~~(g)~~ Depreciation of the original capitalized cost of the
11 machinery, equipment, apparatus, works, plants and facilities
12 mentioned in paragraph (e). The annual depreciation charge
13 consists of amortization of the original cost in a manner
14 prescribed by regulation of the Nevada Tax Commission. The
15 probable life of the property represented by the original cost
16 must be considered in computing the depreciation charge.

17 ~~(h) All money expended for premiums for industrial
18 insurance, and the actual cost of hospital and medical
19 attention and accident benefits and group insurance for all
20 employees.~~

21 ~~(i)~~ (g) All money paid as contributions or payments
22 under the unemployment compensation law of the State of
23 Nevada, as contained in chapter 612 of NRS, all money paid
24 as contributions under the Social Security Act of the Federal
25 Government, and all money paid to either the State of Nevada
26 or the Federal Government under any amendment to either or
27 both of the statutes mentioned in this paragraph.

28 ~~(j)~~ (h) *The costs of employee travel which occurs
29 within the State of Nevada and which is directly related to
30 mining operations within the State of Nevada.*

31 *(i) The costs of Nevada-based corporate services relating
32 to paragraphs (e) to (h), inclusive.*

33 (j) The actual cost of developmental work in or about the
34 mine or upon a group of mines when operated as a unit ~~f~~

35 ~~(k)~~ *, which is limited to work that is necessary to the
36 operation of the mine or group of mines.*

37 *(k) The costs of reclamation work in the years the
38 reclamation work occurred, including, without limitation,
39 costs associated with the remediation of a site.*

40 (l) All money paid as royalties by a lessee or sublessee of
41 a mine or well, or by both, in determining the net proceeds of
42 the lessee or sublessee, or both.

43 4. Royalties deducted by a lessee or sublessee constitute
44 part of the net proceeds of the minerals extracted, upon which



1 a tax must be levied against the person to whom the royalty
2 has been paid.

3 5. Every person acquiring property in the State of
4 Nevada to engage in the extraction of minerals and who
5 incurs any of the expenses mentioned in subsection 3 shall
6 report those expenses and the recipient of any royalty to the
7 Department on forms provided by the Department. *The*
8 *Department shall report annually to the Mining Oversight*
9 *and Accountability Commission the expenses and*
10 *deductions of each mining operation in the State of Nevada.*

11 6. The several deductions mentioned in subsection 3 do
12 not include any expenditures for salaries, or any portion of
13 salaries, of any person not actually engaged in:

14 (a) The working of the mine;

15 (b) The operating of the mill, smelter or reduction works;

16 (c) The operating of the facilities or equipment for
17 transportation;

18 (d) Superintending the management of any of those
19 operations; ~~to~~

20 (e) The State of Nevada, in office, clerical or engineering
21 work necessary or proper in connection with any of those
22 operations ~~H~~; or

23 (f) *Nevada-based corporate services.*

24 7. *The following expenses are specifically excluded*
25 *from any deductions from the gross yield:*

26 (a) *The costs of employee housing.*

27 (b) *Except as otherwise provided in paragraph (h) of*
28 *subsection 3, the costs of employee travel.*

29 (c) *The costs of severing the employment of any*
30 *employees.*

31 (d) *Any dues paid to a third-party organization or trade*
32 *association to promote or advertise a product.*

33 (e) *Expenses relating to governmental relations or to*
34 *compensate a natural person or entity to influence*
35 *legislative decisions.*

36 (f) *The costs of mineral exploration.*

37 (g) *Any federal, state or local taxes.*

38 8. *As used in this section, "Nevada-based corporate*
39 *services" means corporate services which are performed in*
40 *the State of Nevada from an office located in this State and*
41 *which directly support mining operations in this State,*
42 *including, without limitation, accounting functions relating*
43 *to mining operations at a mine site in this State such as*
44 *payroll, accounts payable, production reporting, cost*



reporting, state and local tax reporting and recordkeeping concerning property.

2. Section 12.7 of chapter 449, Statutes of Nevada 2011, at page 2696, is hereby amended to read as follows:

Sec. 12.7. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

- (a) Sold;
- (b) Exchanged for any thing or service;
- (c) Removed from the State in a form ready for use or sale; or
- (d) Used in a manufacturing process or in providing a service, during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

(a) The actual cost of extracting the mineral, which is limited to direct costs for activities performed in the State of Nevada.

(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(c) The actual cost of reduction, refining and sale.

(d) The actual cost of delivering the mineral.

(e) The actual cost of maintenance and repairs of:

(1) All machinery, equipment, apparatus and facilities used in the mine.

(2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.

(f) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The



1 probable life of the property represented by the original cost
2 must be considered in computing the depreciation charge.

3 (g) *All money expended for premiums for industrial*
4 *insurance, and the actual cost of hospital and medical*
5 *attention and accident benefits and group insurance for*
6 *employees actually engaged in mining operations within the*
7 *State of Nevada.*

8 (h) All money paid as contributions or payments under
9 the unemployment compensation law of the State of Nevada,
10 as contained in chapter 612 of NRS, all money paid as
11 contributions under the Social Security Act of the Federal
12 Government, and all money paid to either the State of Nevada
13 or the Federal Government under any amendment to either or
14 both of the statutes mentioned in this paragraph.

15 ~~(h)~~ (i) The costs of employee travel which occurs
16 within the State of Nevada and which is directly related to
17 mining operations within the State of Nevada.

18 ~~(h)~~ (j) The costs of Nevada-based corporate services
19 relating to paragraphs (e) to ~~(h)~~ (i), inclusive.

20 ~~(i)~~ (k) The actual cost of developmental work in or
21 about the mine or upon a group of mines when operated as a
22 unit, which is limited to work that is necessary to the
23 operation of the mine or group of mines.

24 ~~(k)~~ (l) The costs of reclamation work in the years the
25 reclamation work occurred, including, without limitation,
26 costs associated with the remediation of a site.

27 ~~(l)~~ (m) All money paid as royalties by a lessee or
28 sublessee of a mine or well, or by both, in determining the net
29 proceeds of the lessee or sublessee, or both.

30 4. Royalties deducted by a lessee or sublessee constitute
31 part of the net proceeds of the minerals extracted, upon which
32 a tax must be levied against the person to whom the royalty
33 has been paid.

34 5. Every person acquiring property in the State of
35 Nevada to engage in the extraction of minerals and who
36 incurs any of the expenses mentioned in subsection 3 shall
37 report those expenses and the recipient of any royalty to the
38 Department on forms provided by the Department. The
39 Department shall report annually to the Mining Oversight and
40 Accountability Commission the expenses and deductions of
41 each mining operation in the State of Nevada.

42 6. The several deductions mentioned in subsection 3 do
43 not include any expenditures for salaries, or any portion of
44 salaries, of any person not actually engaged in:

45 (a) The working of the mine;



- 1 (b) The operating of the mill, smelter or reduction works;
- 2 (c) The operating of the facilities or equipment for
- 3 transportation;
- 4 (d) Superintending the management of any of those
- 5 operations;
- 6 (e) The State of Nevada, in office, clerical or engineering
- 7 work necessary or proper in connection with any of those
- 8 operations; or
- 9 (f) Nevada-based corporate services.

10 7. The following expenses are specifically excluded

11 from any deductions from the gross yield:

- 12 (a) The costs of employee housing.
- 13 (b) Except as otherwise provided in paragraph ~~(h)~~ (i) of
- 14 subsection 3, the costs of employee travel.
- 15 (c) The costs of severing the employment of any
- 16 employees.
- 17 (d) Any dues paid to a third-party organization or trade
- 18 association to promote or advertise a product.
- 19 (e) Expenses relating to governmental relations or to
- 20 compensate a natural person or entity to influence legislative
- 21 decisions.
- 22 (f) The costs of mineral exploration.
- 23 (g) Any federal, state or local taxes.

24 8. As used in this section, "Nevada-based corporate

25 services" means corporate services which are performed in

26 the State of Nevada from an office located in this State and

27 which directly support mining operations in this State,

28 including, without limitation, accounting functions relating to

29 mining operations at a mine site in this State such as payroll,

30 accounts payable, production reporting, cost reporting, state

31 and local tax reporting and recordkeeping concerning

32 property.

33 **Sec. 20.** Section 37 of chapter 456, Statutes of Nevada 2011,

34 at page 2834, is hereby amended to read as follows:

35 Sec. 37. 1. This section, sections 1 to 34, inclusive,

36 and section 36 of this act become effective:

37 (a) Upon passage and approval for the purpose of

38 adopting regulations and performing any preliminary

39 administrative tasks that are necessary to carry out the

40 provisions of this act; and

41 (b) On October 1, 2011, for all other purposes.

42 2. Section 35 of this act becomes effective on the date on

43 which the provisions of 42 U.S.C. § 666 requiring each state

44 to establish procedures under which the state has authority to



1 withhold or suspend, or to restrict the use of professional,
2 occupational and recreational licenses of persons who:

3 (a) Have failed to comply with a subpoena or warrant
4 relating to a proceeding to determine the paternity of a child
5 or to establish or enforce an obligation for the support of a
6 child; or

7 (b) Are in arrears in the payment of the support of one or
8 more children,

9 ↪ are repealed by the Congress of the United States.

10 3. Sections 26, 30 and 35 of this act expire by limitation
11 2 years after the date on which the provisions of 42 U.S.C. §
12 666 requiring each state to establish procedures under which
13 the state has authority to withhold or suspend, or to restrict
14 the use of professional, occupational and recreational licenses
15 of persons who:

16 (a) Have failed to comply with a subpoena or warrant
17 relating to a proceeding to determine the paternity of a child
18 or to establish or enforce an obligation for the support of a
19 child; or

20 (b) Are in arrears in the payment for the support of one or
21 more children,

22 ↪ are repealed by the Congress of the United States.

23 **Sec. 21.** 1. Section 17 of chapter 479, Statutes of Nevada
24 2011, at page 2940, is hereby amended to read as follows:

25 Sec. 17. NRS 231.260 is hereby amended to read as
26 follows:

27 231.260 The ~~{Commission on Tourism,}~~ *Department,*
28 through ~~{its}~~ *the* Division of Tourism, shall:

29 1. Promote this State so as to increase the number of
30 domestic and international tourists.

31 2. Promote special events *and exhibitions* which are
32 designed to increase tourism.

33 3. Develop a State Plan to Promote Travel and Tourism
34 in Nevada.

35 4. Develop a comprehensive program of marketing and
36 advertising, for both domestic and international markets,
37 which publicizes travel and tourism in Nevada in order to
38 attract more visitors to this State or lengthen their stay.

39 5. Provide and administer grants of money or matching
40 grants to political subdivisions of the State, to fair and
41 recreation boards, and to local or regional organizations
42 which promote travel and tourism, to assist them in:

43 (a) Developing local programs for marketing and
44 advertising which are consistent with the State Plan.



1 (b) Promoting specific events and attractions in their
2 communities.

3 (c) Evaluating the effectiveness of the local programs and
4 events.

5 ↪ Each recipient must provide an amount of money, at least
6 equal to the grant, for the same purpose, except, in a county
7 whose population is less than 50,000, the ~~{Commission}~~
8 *Division of Tourism* may, if convinced that the recipient is
9 financially unable to do so, provide a grant with less than
10 equal matching money provided by the recipient.

11 6. Coordinate and assist the programs of travel and
12 tourism of counties, cities, local and regional organizations
13 for travel and tourism, fair and recreation boards and
14 transportation authorities in the State. Local governmental
15 agencies which promote travel and tourism shall coordinate
16 their promotional programs with those of the ~~{Commission}~~
17 *Division of Tourism*.

18 7. Encourage cooperation between public agencies and
19 private persons who have an interest in promoting travel and
20 tourism in Nevada.

21 8. Compile or obtain by contract, keep current and
22 disseminate statistics and other marketing information on
23 travel and tourism in Nevada.

24 9. Prepare and publish ~~{, with the assistance of the~~
25 *Division of Publications,* brochures, travel guides, directories
26 and other materials which promote travel and tourism in
27 Nevada.

28 *10. Publish or cause to be published a magazine to be*
29 *known as the Nevada Magazine. The Nevada Magazine*
30 *must contain materials which educate the general public*
31 *about this State and thereby foster awareness and*
32 *appreciation of Nevada's heritage, culture, historical*
33 *monuments, natural wonders and natural resources.*

34 2. Section 35 of chapter 479, Statutes of Nevada 2011, at page
35 2945, is hereby amended to read as follows:

36 Sec. 35. NRS 233F.045 is hereby amended to read as
37 follows:

38 233F.045 "Communications ~~{Unit?}~~ *Group*" means the
39 Communications ~~{Unit}~~ *Group* of the Communication and
40 Computing ~~{Division}~~ *Unit* of the ~~{Department}~~ *Division*.



1 3. Section 37 of chapter 479, Statutes of Nevada 2011, at page
2 2945, is hereby amended to read as follows:

3 Sec. 37. NRS 233F.065 is hereby amended to read as
4 follows:

5 233F.065 “Telecommunications ~~{Unit}~~ **Group**” means
6 the Telecommunications ~~{Unit}~~ **Group** of the Communication
7 and Computing ~~{Division}~~ **Unit** of the ~~{Department}~~
8 **Division**.

9 4. Section 52 of chapter 479, Statutes of Nevada 2011, at page
10 2949, is hereby amended to read as follows:

11 Sec. 52. NRS 242.080 is hereby amended to read as
12 follows:

13 242.080 1. The **Division of Enterprise Information**
14 **Technology Services of the** Department ~~{of Information~~
15 ~~Technology}~~ is hereby created.

16 2. The ~~{Department}~~ **Division** consists of the ~~{Director}~~
17 **Administrator** and the:

18 (a) ~~{Programming—Division}~~ **Enterprise Application**
19 **Services Unit**.

20 (b) Communication and Computing ~~{Division}~~ **Unit**.

21 (c) Office of Information Security.

22 3. A Communications ~~{Unit}~~ **Group** and a
23 Telecommunications ~~{Unit}~~ **Group** are hereby created within
24 the Communication and Computing ~~{Division}~~ **Unit** of the
25 ~~{Department}~~ **Division**.

26 5. Chapter 479, Statutes of Nevada 2011, at page 2953, is
27 hereby amended by adding thereto a new section to be designated as
28 sec. 61.5, immediately following sec. 61, to read as follows:

29 Sec. 61.5. NRS 284.075 is hereby amended to read as
30 follows:

31 284.075 The ~~{Director}~~ **Administrator**:

32 1. ~~{Must be appointed by, is responsible to and serves at~~
33 ~~the pleasure of the Governor.~~

34 ~~—2.— Is in the unclassified service of the State.~~

35 ~~—3.—~~ Shall not engage in any other gainful employment or
36 occupation.

37 ~~{4.}~~ 2. Must be selected with special reference to the
38 person’s training, experience, capacity and interest in the field
39 of personnel administration. The knowledge and abilities of
40 the person selected as the ~~{Director}~~ **Administrator** should
41 include:

42 (a) A comprehensive knowledge of the principles and
43 practices of personnel administration.

44 (b) A working knowledge of job and salary classification
45 methods.



1 (c) An extensive knowledge of the organization and
2 operations of state departments, agencies and institutions, and
3 of statutes and regulations concerning government personnel.

4 (d) An extensive knowledge of principles of public
5 organization and administration.

6 (e) Administrative ability in the direction of staff analyses
7 of government salaries and positions, and in the maintenance
8 of effective working relationships with all state officials
9 concerned with personnel.

10 (f) Ability to organize and present clearly oral and written
11 reports of findings and recommendations.

12 ~~15.1~~ 3. Must have progressively responsible experience
13 in personnel administration in an amount to be determined by
14 the Commission and have been graduated from an accredited
15 4-year college or university, or have an equivalent
16 combination of experience in personnel administration or
17 training, substituting 2 years of experience for 1 year of
18 training.

19 6. Chapter 479, Statutes of Nevada 2011, at page 2965, is
20 hereby amended by adding thereto new sections to be designated as
21 secs. 87.3 and 87.5, respectively, immediately following sec. 87, to
22 read as follows:

23 Sec. 87.3. NRS 341.041 is hereby amended to read as
24 follows:

25 341.041 1. If ~~15.1~~ *an appointed* member of the Board
26 fails to attend three successive meetings of the Board, the
27 Board shall provide notice of that fact, in writing, to the
28 appointing authority who appointed that member.

29 2. The notice must be provided to the appointing
30 authority within 5 days after the third successive meeting that
31 the member fails to attend.

32 3. Upon receipt of the notice, the appointing authority
33 may appoint a person to replace the member in the same
34 manner as filling a vacancy on the Board.

35 Sec. 87.5. NRS 341.050 is hereby amended to read as
36 follows:

37 341.050 1. Each *appointed* member of the Board is
38 entitled to receive a salary of not more than \$80 per day, as
39 fixed by the Board, while engaged in the business of the
40 Board.

41 2. Except as otherwise provided in this subsection, while
42 engaged in the business of the Board, each member and
43 employee of the Board is entitled to receive the per diem
44 allowance and travel expenses provided for state officers and
45 employees generally. The per diem allowances and travel



1 expenses must be paid from money appropriated for the use
2 of the Board, to the extent such money is available.

3 7. Section 140 of chapter 479, Statutes of Nevada 2011, at page
4 2989, is hereby amended to read as follows:

5 Sec. 140. NRS 231.280, 231.350, 233C.100, **233C.110,**
6 **233F.058,** 242.041, 331.040, 331.095, 331.103, 331.104,
7 331.105, 341.015, 341.149, 378.008, 378.0086 and 378.0089
8 are hereby repealed.

9 **Sec. 22.** Section 6 of chapter 483, Statutes of Nevada 2011, at
10 page 3053, is hereby amended to read as follows:

11 Sec. 6. NRS 386.549 is hereby amended to read as
12 follows:

13 386.549 1. The governing body of a charter school ~~†~~
14 ~~—(a) Must†~~ **must** consist of:

15 ~~{(1) At least three teachers, as defined in subsection 5;~~
16 ~~or~~

17 ~~—(2) Two teachers, as defined in subsection 5, and one~~
18 ~~person†~~

19 **(a) One member who is a teacher or other person**
20 **licensed pursuant to chapter 391 of NRS or who previously**
21 **held such a license and is retired, as long as his or her**
22 **license was held in good standing.**

23 **(b) One member who ~~previously held a license to teach~~**
24 **~~pursuant to chapter 391 of NRS~~ :**

25 **(1) Satisfies the qualifications of paragraph (a); or**

26 **(2) Is a school administrator with a license issued by**
27 **another state or who previously held such a license and is**
28 **retired, as long as his or her license was held in good**
29 **standing. ~~†, including, without limitation, a retired teacher.~~**

30 ~~—(b)†~~
31 **(c) One parent or legal guardian of a pupil enrolled in**
32 **the charter school who is not a teacher or an administrator**
33 **at the charter school.**

34 ~~†May consist of,†~~

35 **(d) Two members who possess knowledge and**
36 **experience in one or more of the following areas:**

37 **(1) Accounting;**

38 **(2) Financial services;**

39 **(3) Law; or**

40 **(4) Human resources.**

41 **2. In addition to the members who serve pursuant to**
42 **subsection 1, the governing body of a charter school may**
43 **include, without limitation, parents and representatives of**
44 **nonprofit organizations and businesses. Not more than two**
45 **persons who serve on the governing body may represent the**



1 same organization or business or otherwise represent the
2 interests of the same organization or business. A majority of
3 the members of the governing body must reside in this State.
4 If the membership of the governing body changes, the
5 governing body shall provide written notice to the sponsor of
6 the charter school within 10 working days after such change.

7 ~~2-~~ 3. A person may serve on the governing body only
8 if the person submits an affidavit to the Department
9 indicating that the person:

10 (a) Has not been convicted of a felony relating to serving
11 on the governing body of a charter school or any offense
12 involving moral turpitude.

13 (b) Has read and understands material concerning the
14 roles and responsibilities of members of governing bodies of
15 charter schools and other material designed to assist the
16 governing bodies of charter schools, if such material is
17 provided to the person by the Department.

18 ~~3-~~ 4. The governing body of a charter school is a
19 public body. It is hereby given such reasonable and necessary
20 powers, not conflicting with the Constitution and the laws of
21 the State of Nevada, as may be requisite to attain the ends for
22 which the charter school is established and to promote the
23 welfare of pupils who are enrolled in the charter school.

24 ~~4-~~ 5. The governing body of a charter school shall,
25 during each calendar quarter, hold at least one regularly
26 scheduled public meeting in the county in which the charter
27 school is located. *Upon an affirmative vote of a majority of
28 the membership of the governing body, each member is
29 entitled to receive a salary of not more than \$80 for
30 attendance at each meeting, as fixed by the governing body,
31 not to exceed payment for more than one meeting per
32 month.*

33 ~~5-~~ 6. As used in subsection 1, "teacher" means a
34 person who:

35 (a) Holds a current license to teach issued pursuant to
36 chapter 391 of NRS ~~4-~~ *or who previously held such a license
37 and is retired, as long as his or her license was held in good
38 standing;* and

39 (b) Has at least 2 years of experience as an employed
40 teacher.

41 ↪ The term does not include a person who is employed as a
42 substitute teacher.



1 **Sec. 23.** 1. Section 9 of chapter 485, Statutes of Nevada
2 2011, at page 3071, is hereby amended to read as follows:

3 Sec. 9. NRS 293.560 is hereby amended to read as
4 follows:

5 293.560 1. Except as otherwise provided in NRS
6 293.502, registration must close ~~{at 9 p.m.}~~ on the third
7 Tuesday preceding any primary or general election and ~~{at 9~~
8 ~~p.m.}~~ on the third Saturday preceding any recall or special
9 election, except that if a recall or special election is held on
10 the same day as a primary or general election, registration
11 must close ~~{at 9 p.m.}~~ on the third Tuesday preceding the day
12 of the elections.

13 2. ~~{The}~~ *For a primary or special election, the* office of
14 the county clerk must be open ~~{from 9 a.m. to 5 p.m. and~~
15 ~~from}~~ *until 7 p.m. {to 9 p.m., including Saturdays,}* during the
16 last 2 days ~~{before the close of}~~ *on which* registration ~~{~~
17 ~~according to the following schedule:~~

18 ~~—(a)}~~ *is open.* In a county whose population is less than
19 100,000, the office of the county clerk ~~{must be open during~~
20 ~~the last day before registration closes.~~

21 ~~—(b) In all other counties, the office of the county clerk~~
22 ~~must be open during the last 5 days before registration~~
23 ~~closes.}~~ *may close at 5 p.m. during the last 2 days before*
24 *registration closes if approved by the board of county*
25 *commissioners.*

26 3. *For a general election:*

27 *(a) In a county whose population is less than 100,000,*
28 *the office of the county clerk must be open until 7 p.m.*
29 *during the last 2 days on which registration is open. The*
30 *office of the county clerk may close at 5 p.m. if approved by*
31 *the board of county commissioners.*

32 *(b) In a county whose population is 100,000 or more, the*
33 *office of the county clerk must be open during the last 4*
34 *days on which registration is open, according to the*
35 *following schedule:*

36 *(1) On weekdays until 9 p.m.; and*

37 *(2) A minimum of 8 hours on Saturdays, Sundays*
38 *and legal holidays.*

39 4. Except for a special election held pursuant to chapter
40 306 or 350 of NRS:

41 (a) The county clerk of each county shall cause a notice
42 signed by him or her to be published in a newspaper having a
43 general circulation in the county indicating:

44 (1) The day *and time* that registration will be closed;
45 and



(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

↳ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

~~{4}~~ 5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

~~{5}~~ 6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only by appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035.

~~{6}~~ 7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

2. Section 13 of chapter 485, Statutes of Nevada 2011, at page 3073, is hereby amended to read as follows:

Sec. 13. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, registration must close ~~{at 9 p.m.}~~ on the third Tuesday preceding any primary city election or general city election and ~~{at 9 p.m.}~~ on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close ~~{at 9 p.m.}~~ on the third Tuesday preceding the day of the elections.

2. ~~{The}~~ *For a primary city election or special city election,* the office of the city clerk must be open ~~{from 9 a.m. to 5 p.m. and from}~~ *until* 7 p.m. ~~{to 9 p.m., including Saturdays,}~~ during the last 2 days ~~{before the close of registration before a primary city election or general city election, according to the following schedule:~~

~~—(a) In a city whose population is less than 25,000, the office of the city clerk must be open during the last 3 days before registration closes.~~

~~—(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 5 days~~



1 ~~before registration closes.~~ *on which registration is open. In*
2 *a city whose population is less than 25,000, the office of the*
3 *city clerk may close at 5 p.m. if approved by the governing*
4 *body of the city.*

5 3. *For a general election:*

6 (a) *In a city whose population is less than 25,000, the*
7 *office of the city clerk must be open until 7 p.m. during*
8 *the last 2 days on which registration is open. The office of*
9 *the city clerk may close at 5 p.m. if approved by the*
10 *governing body of the city.*

11 (b) *In a city whose population is 25,000 or more, the*
12 *office of the city clerk must be open during the last 4 days*
13 *on which registration is open, according to the following*
14 *schedule:*

15 (1) *On weekdays until 9 p.m.; and*

16 (2) *A minimum of 8 hours on Saturdays, Sundays*
17 *and legal holidays.*

18 4. Except for a special election held pursuant to chapter
19 306 or 350 of NRS:

20 (a) The city clerk of each city shall cause a notice signed
21 by him or her to be published in a newspaper having a general
22 circulation in the city indicating:

23 (1) The day *and time* that registration will be closed;
24 and

25 (2) If the city clerk has designated a municipal facility
26 pursuant to NRS 293C.520, the location of that facility.

27 ↪ If no newspaper is of general circulation in that city, the
28 publication may be made in a newspaper of general
29 circulation in the nearest city in this State.

30 (b) The notice must be published once each week for 4
31 consecutive weeks next preceding the close of registration for
32 any election.

33 ~~4.~~ 5. For the period beginning on the fifth Sunday
34 preceding any primary city election or general city election
35 and ending on the third Tuesday preceding any primary city
36 election or general city election, an elector may register to
37 vote only by appearing in person at the office of the city clerk
38 or, if open, a municipal facility designated pursuant to
39 NRS 293C.520.

40 ~~5.~~ 6. A municipal facility designated pursuant to NRS
41 293C.520 may be open during the periods described in this
42 section for such hours of operation as the city clerk may
43 determine, as set forth in subsection 3 of NRS 293C.520.



1 **Sec. 24.** 1. Section 54 of chapter 498, Statutes of Nevada
2 2011, at page 3171, is hereby amended to read as follows:

3 Sec. 54. NRS 218A.645 is hereby amended to read as
4 follows:

5 218A.645 1. The per diem ~~{expense}~~ allowance and
6 the travel and telephone expenses of ~~{Senators, Assemblymen~~
7 ~~and Assemblywomen elected or appointed and}~~ **Legislators** in
8 attendance at any **regular or special** session or pre-session
9 orientation conference of the Legislature must be allowed in
10 the manner set forth in this section.

11 2. For initial travel from the Legislator's home to Carson
12 City, Nevada, to attend a **regular or special** session or
13 pre-session orientation conference of the Legislature, and for
14 return travel from Carson City, Nevada, to the Legislator's
15 home upon adjournment sine die of a **regular or special**
16 session or termination of a pre-session orientation conference ,
17 ~~{of the Legislature, each Senator, Assemblyman and~~
18 ~~Assemblywoman}~~ **each Legislator** is entitled to receive:

19 (a) A per diem expense allowance, not to exceed the
20 maximum rate established by the Federal Government for the
21 Carson City area, for 1 day's travel to and 1 day's travel from
22 the **regular or special** session or **pre-session orientation**
23 conference.

24 (b) Travel expenses.

25 3. In addition to the per diem **allowance** and travel
26 expenses authorized by subsection 2, each ~~{Senator,~~
27 ~~Assemblyman and Assemblywoman}~~ **Legislator** is entitled to
28 receive a supplemental allowance which must not exceed:

29 (a) A total of \$10,000 during each regular session ~~{of the~~
30 ~~Legislature}~~ for:

31 (1) The Legislator's actual expenses in moving to and
32 from Carson City for the **regular** session;

33 (2) Travel to and from the Legislator's home or
34 temporary residence or for traveling to and from legislative
35 committee and subcommittee meetings or hearings or for
36 individual travel within the State which relates to legislative
37 business;

38 (3) If the Legislator rents furniture for the Legislator's
39 temporary residence rather than moving similar furniture
40 from the Legislator's home, the cost of renting that furniture
41 not to exceed the amount that it would have cost to move the
42 furniture to and from the Legislator's home; and

43 (4) If:

44 (I) The Legislator's home is more than 50 miles
45 from Carson City; and



1 (II) The Legislature maintains temporary quarters in
2 or near Carson City for which the Legislature has entered into
3 a lease or other agreement for occupancy during a regular
4 ~~Legislative~~ session,

5 ↳ the cost of such additional housing, paid at the end of each
6 month during the ~~Legislative~~ *regular* session, beginning the
7 month of the first day of the ~~Legislative~~ *regular* session and
8 ending the month of the adjournment sine die of the
9 ~~Legislative~~ *regular* session, in an amount that is the fair
10 market rent for a one bedroom unit in Carson City as
11 published by the United States Department of Housing and
12 Urban Development prorated for the number of days of the
13 month that the Legislature actually maintained the temporary
14 quarters in or near Carson City. For the purposes of this
15 subparagraph, any day before the first day of the ~~Legislative~~
16 *regular* session or after the day of the adjournment sine die of
17 the ~~Legislative~~ *regular* session may not be counted as a day
18 for which the Legislature actually maintained such temporary
19 quarters; and

20 (b) A total of \$1,200 during each special session ~~of the~~
21 ~~Legislature~~ for travel to and from the Legislature's home or
22 temporary residence or for traveling to and from legislative
23 committee and subcommittee meetings or hearings or for
24 individual travel within the State which relates to legislative
25 business.

26 4. Each ~~Senator, Assemblyman and Assemblywoman~~
27 *Legislator* is entitled to receive a per diem expense
28 allowance, not to exceed the maximum rate established by the
29 Federal Government for the Carson City area ~~for~~ :

30 (a) *For* each day that the Legislature is in *regular or*
31 *special* session or in a pre-session orientation conference ; and
32 ~~for~~

33 (b) *For* each day that the Legislator attends a meeting of a
34 standing committee of which the Legislator is a member
35 when the Legislature has adjourned for more than 4 days.

36 5. Each ~~Senator, Assemblyman and Assemblywoman~~
37 *Legislator* who maintains temporary quarters in or near
38 Carson City for which the Legislator has entered into a lease
39 or other agreement for continuous occupancy for the duration
40 of a ~~Legislative~~ *regular or special* session is entitled to
41 receive a lodging allowance equal to that portion of the
42 expense allowance which the Legislative Commission
43 designates by rule as being allocated to lodging, for not more
44 than 14 days in each period in which:

45 (a) The Legislature has adjourned until a time certain; and



1 (b) The ~~{Senator, Assemblyman or Assemblywoman}~~
2 *Legislator* is not entitled to a per diem ~~{expense}~~ allowance
3 pursuant to subsection 4.

4 6. In addition to the per diem ~~{expense}~~ allowance
5 authorized by subsection 4 and the lodging allowance
6 authorized by subsection 5, each ~~{Senator, Assemblyman and~~
7 ~~Assemblywoman}~~ *Legislator* who maintains temporary
8 quarters in or near Carson City for which the Legislator has
9 entered into a lease or other agreement for continuous
10 occupancy for the duration of a ~~{legislative}~~ *regular or*
11 *special* session is entitled to receive a lodging allowance
12 equal to that portion of the expense allowance which the
13 Legislative Commission designates by rule as being allocated
14 to lodging, for not more than 17 days in each period in which:

15 (a) The Legislature has adjourned for more than 4 days;
16 and

17 (b) The ~~{Senator, Assemblyman or Assemblywoman}~~
18 *Legislator* must obtain temporary lodging in a location that a
19 standing committee of which the Legislator is a member is
20 meeting.

21 7. Each ~~{Senator, Assemblyman and Assemblywoman}~~
22 *Legislator* is entitled to receive a lodging allowance equal to
23 that portion of the expense allowance which the Legislative
24 Commission designates by rule as being allocated to lodging,
25 for not more than 6 days in each period in which:

26 (a) The Legislature has adjourned for more than 4 days;
27 and

28 (b) The ~~{Senator, Assemblyman or Assemblywoman}~~
29 *Legislator* must obtain temporary lodging in a location that a
30 standing committee of which the Legislator is a member is
31 meeting,

32 ↪ if the ~~{Senator, Assemblyman or Assemblywoman}~~
33 *Legislator* is not entitled to the per diem ~~{expense}~~ allowance
34 authorized by subsection 4 or the lodging allowances
35 authorized by subsections 5 and 6.

36 8. Each ~~{Senator, Assemblyman and Assemblywoman}~~
37 *Legislator* is entitled to receive a telephone allowance of
38 ~~{not}~~ :

39 (a) *Not* more than \$2,800 for the payment of tolls and
40 charges incurred by the Legislator in the performance of
41 official business during each regular session ; ~~{of the~~
42 ~~Legislature}~~ and ~~{not}~~

43 (b) *Not* more than \$300 during each special session . ~~{of~~
44 ~~the Legislature.}~~



1 9. An employee of the Legislature assigned to serve a
2 standing committee is entitled to receive the travel expenses
3 and per diem allowance provided for state officers and
4 employees generally if the employee is required to attend a
5 hearing of the committee outside Carson City.

6 10. Claims for per diem expense allowances authorized
7 by subsection 4 and lodging allowances authorized by
8 subsections 5, 6 and 7 must be paid once each week during a
9 ~~Legislative~~ *regular or special* session and upon completion
10 of a pre-session orientation conference.

11 11. A claim for travel expenses authorized by subsection
12 2 or 3 must not be paid unless the ~~Senator, Assemblyman or~~
13 ~~Assemblywoman~~ *Legislator* submits a signed statement
14 affirming:

15 (a) The date of the travel; and

16 (b) The places of departure and arrival and, if the travel is
17 by private conveyance, the actual miles traveled. If the travel
18 is not by private conveyance, the claim must include a receipt
19 or other evidence of the expenditure.

20 12. Travel expenses authorized by subsections 2 and 3
21 are limited to:

22 (a) If the travel is by private conveyance, a rate equal to
23 the standard mileage reimbursement rate for which a
24 deduction is allowed for the purposes of federal income tax.
25 If two or more Legislators travel in the same private
26 conveyance, the Legislator who provided or arranged for
27 providing the transportation is presumed entitled to
28 reimbursement.

29 (b) If the travel is not by private conveyance, the actual
30 amount expended.

31 ↳ Transportation must be by the most economical means,
32 considering total cost, time spent in transit and the availability
33 of state-owned automobiles.

34 2. Section 64 of chapter 498, Statutes of Nevada 2011, at page
35 3178, is hereby amended to read as follows:

36 Sec. 64. NRS 218A.925 is hereby amended to read as
37 follows:

38 218A.925 1. Either House ~~of the Legislature~~ may
39 imprison for contempt any person who interferes with the
40 legislative process while the Legislature is in a *regular or*
41 *special* session. Such imprisonment ~~shall~~ *must* not extend
42 beyond the final adjournment of the *regular or special*
43 session.

44 2. If the contempt is committed before the House, any
45 member *of the House* may offer a resolution that the alleged



1 offender be cited for contempt. If the resolution is adopted ~~by~~
2 ~~a citation shall issue.~~ *by the House, the House shall issue a*
3 *citation.*

4 3. If the contempt is committed before a committee of
5 the House or a joint committee or commission which includes
6 members of the House, during a ~~legislative~~ *regular or*
7 *special* session, ~~a resolution to cite for contempt may be~~
8 ~~offered by~~ any member of the House who is a member of the
9 committee or commission ~~it~~ *may offer a resolution that the*
10 *alleged offender be cited for contempt*, but only if the
11 resolution is first approved by a majority vote of the
12 committee or commission. ~~A citation shall then issue if~~ *If*
13 *the resolution is adopted by the House it*, *the House shall*
14 *issue a citation.*

15 4. The citation ~~shall~~ *must* be served personally on each
16 *alleged* offender named in the resolution ~~it and shall~~ *and*
17 *must* contain:

18 (a) A statement of the terms or substance of the offense or
19 offenses which caused the citation to be issued; and

20 (b) A statement of the time and place of the hearing
21 before the House.

22 5. The citation may be served by any peace officer or by
23 the Sergeant at Arms or any regularly appointed ~~assistants of~~
24 ~~the~~ *Assistant* Sergeant at Arms ~~it~~ *of the House.*

25 3. Section 65 of chapter 498, Statutes of Nevada 2011, at page
26 3178, is hereby amended to read as follows:

27 Sec. 65. NRS 218A.930 is hereby amended to read as
28 follows:

29 218A.930 1. The time and place *stated in the citation*
30 for *the* hearing ~~shall allow~~ *must afford* the alleged offender
31 *a* reasonable opportunity to prepare an appropriate defense.

32 2. The alleged offender is entitled at the hearing:

33 (a) To the assistance of counsel.

34 (b) To present witnesses *and offer evidence* on ~~this or~~
35 ~~her~~ *the alleged offender's* behalf.

36 (c) To argue orally in person or by counsel, within such
37 reasonable limits as may be imposed by the presiding officer
38 of the House, and to submit written arguments.

39 **Sec. 25.** 1. Section 29 of chapter 501, Statutes of Nevada
40 2011, at page 3284, is hereby amended to read as follows:

41 Sec. 29. (Deleted by amendment.)

42 2. Section 56 of chapter 501, Statutes of Nevada 2011, at page
43 3303, is hereby amended to read as follows:

44 Sec. 56. (Deleted by amendment.)



1 3. Section 59 of chapter 501, Statutes of Nevada 2011, at page
2 3304, is hereby amended to read as follows:

3 Sec. 59. NRS 294A.373 is hereby amended to read as
4 follows:

5 294A.373 1. The Secretary of State shall design a
6 single form to be used for all reports of campaign
7 contributions and expenses or expenditures that are required
8 to be filed pursuant to NRS 294A.120, 294A.125, 294A.128,
9 294A.140, 294A.150, 294A.200, 294A.210, 294A.220,
10 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362
11 and reports of contributions received by and expenditures
12 made from a legal defense fund that are required to be filed
13 pursuant to NRS 294A.286.

14 2. The form designed by the Secretary of State pursuant
15 to this section must only request information specifically
16 required by statute.

17 3. Upon request, the Secretary of State shall provide a
18 copy of the form designed pursuant to this section to
19 each person, committee, political party ~~†~~ and group ~~and~~
20 ~~business entity~~ that is required to file a report described in
21 subsection 1.

22 4. The Secretary of State must obtain the advice and
23 consent of the Legislative Commission before providing a
24 copy of a form designed or revised by the Secretary of State
25 pursuant to this section to a person, committee, political party
26 ~~†~~ or group ~~for business entity~~ that is required to use the
27 form.

28 4. Section 61 of chapter 501, Statutes of Nevada 2011, at page
29 3305, is hereby amended to read as follows:

30 Sec. 61. NRS 294A.390 is hereby amended to read as
31 follows:

32 294A.390 The officer from whom a candidate or entity
33 requests a form for:

34 1. A declaration of candidacy;

35 2. An acceptance of candidacy;

36 3. The registration of a committee for political action
37 pursuant to NRS 294A.230 ~~†~~ or a committee for the recall of
38 a public officer pursuant to NRS 294A.250 ; ~~for a business~~
39 ~~entity that wishes to engage in certain political activity~~
40 ~~pursuant to NRS 294A.377.†~~

41 4. The reporting of the creation of a legal defense fund
42 pursuant to NRS 294A.286; or

43 5. The reporting of campaign contributions, expenses or
44 expenditures pursuant to NRS 294A.120, 294A.128,
45 294A.140, 294A.150, 294A.200, 294A.210, 294A.220,



1 294A.270, 294A.280, 294A.283 or 294A.360 and the
2 reporting of contributions received by and expenditures made
3 from a legal defense fund pursuant to NRS 294A.286,
4 ↪ shall furnish the candidate with the necessary forms for
5 reporting and copies of the regulations adopted by the
6 Secretary of State pursuant to this chapter. An explanation of
7 the applicable provisions of NRS 294A.100, 294A.120,
8 294A.128, 294A.140, 294A.150, 294A.200, 294A.210,
9 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360
10 relating to the making, accepting or reporting of campaign
11 contributions, expenses or expenditures and the penalties for
12 a violation of those provisions as set forth in NRS 294A.100
13 or 294A.420, and an explanation of NRS 294A.286 and
14 294A.287 relating to the accepting or reporting of
15 contributions received by and expenditures made from a legal
16 defense fund and the penalties for a violation of those
17 provisions as set forth in NRS 294A.287 and 294A.420, must
18 be developed by the Secretary of State and provided upon
19 request. The candidate or entity shall acknowledge receipt of
20 the material.

21 5. Section 62 of chapter 501, Statutes of Nevada 2011, at page
22 3305, is hereby amended to read as follows:

23 Sec. 62. NRS 294A.400 is hereby amended to read as
24 follows:

25 294A.400 The Secretary of State shall, within 30 days
26 after receipt of the reports required by NRS 294A.120,
27 294A.125, 294A.128, 294A.140, 294A.150, 294A.200,
28 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 and
29 294A.286, prepare and make available for public inspection a
30 compilation of:

31 1. The total campaign contributions, the contributions
32 which are in excess of \$100 and the total campaign expenses
33 of each of the candidates from whom reports of those
34 contributions and expenses are required.

35 2. The total amount of loans to a candidate guaranteed
36 by a third party, the total amount of loans made to a candidate
37 that have been forgiven and the total amount of written
38 commitments for contributions received by a candidate.

39 3. The contributions made to a committee for the recall
40 of a public officer in excess of \$100.

41 4. The expenditures exceeding \$100 made by a:

42 (a) Person on behalf of a candidate other than the person.

43 (b) Group of persons ~~for business entity~~ advocating the
44 election or defeat of a candidate.

45 (c) Committee for the recall of a public officer.



1 5. The contributions in excess of \$100 made to:

2 (a) A person who is not under the direction or control of a
3 candidate or group of candidates or of any person involved in
4 the campaign of the candidate or group who makes an
5 expenditure on behalf of the candidate or group which is not
6 solicited or approved by the candidate or group.

7 (b) A committee for political action, political party ~~H~~ or
8 committee sponsored by a political party ~~for business entity~~
9 which makes an expenditure on behalf of a candidate or
10 group of candidates.

11 6. The contributions in excess of \$1,000 made to and the
12 expenditures exceeding \$1,000 made by a:

13 (a) Person or group of persons organized formally or
14 informally ~~including a business entity~~ who advocates the
15 passage or defeat of a question or group of questions on the
16 ballot and who receives or expends money in an amount in
17 excess of \$10,000 for such advocacy, except as otherwise
18 provided in paragraph (b).

19 (b) Person or group of persons organized formally or
20 informally ~~including a business entity~~ who advocates the
21 passage or defeat of a constitutional amendment or statewide
22 measure proposed by an initiative or referendum, including,
23 without limitation, the initiation or circulation thereof, and
24 who receives or expends money in an amount in excess of
25 \$10,000 for such advocacy.

26 7. The total contributions received by and expenditures
27 made from a legal defense fund.

28 6. Section 63 of chapter 501, Statutes of Nevada 2011, at page
29 3306, is hereby amended to read as follows:

30 Sec. 63. NRS 294A.420 is hereby amended to read as
31 follows:

32 294A.420 1. If the Secretary of State receives
33 information that a person or entity that is subject to the
34 provisions of NRS 294A.120, 294A.128, 294A.140,
35 294A.150, 294A.200, 294A.210, 294A.220, ~~294A.227,~~
36 294A.230, 294A.270, 294A.280, 294A.283, 294A.286 or
37 294A.360 has not filed a report or form for registration
38 pursuant to the applicable provisions of those sections, the
39 Secretary of State may, after giving notice to that person or
40 entity, cause the appropriate proceedings to be instituted in
41 the First Judicial District Court.

42 2. Except as otherwise provided in this section, a person
43 or entity that violates an applicable provision of ~~NRS~~
44 ~~294A.112, 294A.120, 294A.128, 294A.130, 294A.140,~~
45 ~~294A.150, 294A.160, 294A.200, 294A.210, 294A.220,~~



1 ~~294A.227, 294A.230, 294A.270, 294A.280, 294A.283,~~
2 ~~294A.286, 294A.300, 294A.310 or 294A.360~~ *this chapter* is
3 subject to a civil penalty of not more than \$5,000 for each
4 violation and payment of court costs and attorney's fees. The
5 civil penalty must be recovered in a civil action brought in the
6 name of the State of Nevada by the Secretary of State in the
7 First Judicial District Court and deposited by the Secretary of
8 State for credit to the State General Fund in the bank
9 designated by the State Treasurer.

10 3. If a civil penalty is imposed because a person or entity
11 has reported its contributions, expenses or expenditures after
12 the date the report is due, except as otherwise provided in this
13 subsection, the amount of the civil penalty is:

14 (a) If the report is not more than 7 days late, \$25 for each
15 day the report is late.

16 (b) If the report is more than 7 days late but not more than
17 15 days late, \$50 for each day the report is late.

18 (c) If the report is more than 15 days late, \$100 for each
19 day the report is late.

20 ↪ A civil penalty imposed pursuant to this subsection against
21 a public officer who by law is not entitled to receive
22 compensation for his or her office or a candidate for such an
23 office must not exceed a total of \$100 if the public officer or
24 candidate received no contributions and made no
25 expenditures during the relevant reporting periods.

26 4. For good cause shown, the Secretary of State may
27 waive a civil penalty that would otherwise be imposed
28 pursuant to this section. If the Secretary of State waives a
29 civil penalty pursuant to this subsection, the Secretary of
30 State shall:

31 (a) Create a record which sets forth that the civil penalty
32 has been waived and describes the circumstances that
33 constitute the good cause shown; and

34 (b) Ensure that the record created pursuant to paragraph

35 (a) is available for review by the general public.

36 **Sec. 26.** Section 132 of chapter 506, Statutes of Nevada 2011,
37 at page 3424, is hereby amended to read as follows:

38 Sec. 132. 1. This section and sections 9.5 and 51.9 of
39 this act become effective upon passage and approval.

40 2. Sections 1 to 9, inclusive, 10 to 51.7, inclusive, 52 to
41 56, inclusive, and 58 to 131, inclusive, of this act become
42 effective:

43 (a) Upon passage and approval for the purpose of
44 adopting regulations and performing any other preparatory



1 administrative tasks that are necessary to carry out the
2 provisions of this act; and

3 (b) On October 1, 2011, for all other purposes.

4 3. Section 57 of this act becomes effective on January 1,
5 2013.

6 4. Sections ~~[23, 24, 25, 45, 47, 59, 60 and 122]~~ **24 and**
7 **25** of this act expire by limitation on the date on which the
8 provisions of 42 U.S.C. § 666 requiring each state to establish
9 procedures under which the state has authority to withhold or
10 suspend, or to restrict the use of professional, occupational
11 and recreational licenses of persons who:

12 (a) Have failed to comply with a subpoena or warrant
13 relating to a proceeding to determine the paternity of a child
14 or to establish or enforce an obligation for the support of a
15 child; or

16 (b) Are in arrears in the payment for the support of one or
17 more children,

18 ~~are~~ are repealed by the Congress of the United States.

19 **Sec. 27.** 1. Section 1.5 of chapter 530, Statutes of Nevada
20 2011, at page 3711, is hereby amended to read as follows:

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

23 277.200 The Tahoe Regional Planning Compact is as
24 follows:
25

26 **Tahoe Regional Planning Compact**

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

28 (a) It is found and declared that:
29

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

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

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

38 (4) By virtue of the special conditions and
39 circumstances of the region's natural ecology, developmental
40 pattern, population distribution and human needs, the region
41 is experiencing problems of resource use and deficiencies of
42 environmental control.
43



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

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

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

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

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

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

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

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

40
41 **ARTICLE II. Definitions**

42
43 As used in this compact:

44 (a) "Region," includes Lake Tahoe, the adjacent parts of
45 Douglas and Washoe counties and Carson City, which for the



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

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

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

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

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

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

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

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

44 (i) "Environmental threshold carrying capacity" means an
45 environmental standard necessary to maintain a significant



1 scenic, recreational, educational, scientific or natural value of
2 the region or to maintain public health and safety within the
3 region. Such standards shall include but not be limited to
4 standards for air quality, water quality, soil conservation,
5 vegetation preservation and noise.

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

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

13 (l) "Areas devoted to private use of guests" means hotel
14 rooms and hallways to serve hotel room areas, and any
15 parking areas. A hallway serves hotel room areas if more than
16 50 percent of the areas on each side of the hallway are hotel
17 rooms.

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

20
21 **ARTICLE III. Organization**
22

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

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

27 (1) California delegation:

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

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

42 (2) Nevada delegation:

43 (A) One member appointed by each of the boards of
44 county commissioners of Douglas and Washoe counties and
45 one member appointed by the board of supervisors of Carson



1 City. Any such member may be a member of the board of
2 county commissioners or board of supervisors, respectively,
3 and shall reside in the territorial jurisdiction of the
4 governmental body making the appointment.

5 (B) One member appointed by the governor of Nevada,
6 the secretary of state of Nevada or his designee, and the
7 director of the state department of conservation and natural
8 resources of Nevada or his designee. Except for the secretary
9 of state and the director of the state department of
10 conservation and natural resources, the members or designees
11 appointed pursuant to this subparagraph shall not be residents
12 of the region. All members appointed pursuant to this
13 subparagraph shall represent the public at large within the
14 State of Nevada.

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

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

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

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

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



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

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

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

12 ➤ No member or employee of the agency shall make, or
13 attempt to influence, an agency decision in which he knows
14 or has reason to know he has an economic interest. Members
15 and employees of the agency must disqualify themselves
16 from making or participating in the making of any decision of
17 the agency when it is reasonably foreseeable that the decision
18 will have a material financial effect, distinguishable from its
19 effect on the public generally, on the economic interests of
20 the member or employee.

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

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

35 (d) The governing body of the agency shall meet at least
36 monthly. All meetings shall be open to the public to the
37 extent required by the law of the State of California or the
38 State of Nevada, whichever imposes the greater requirement,
39 applicable to local governments at the time such meeting is
40 held. The governing body shall fix a date for its regular
41 monthly meeting in such terms as "the first Monday of each
42 month," and shall not change such date more often than once
43 in any calendar year. Notice of the date so fixed shall be
44 given by publication at least once in a newspaper or
45 combination of newspapers whose circulation is general



1 throughout the region and in each county a portion of whose
2 territory lies within the region. Notice of any special meeting,
3 except an emergency meeting, shall be given by so publishing
4 the date and place and posting an agenda at least 5 days prior
5 to the meeting.

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

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

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

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

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

43 (3) For routine business and for directing the agency's
44 staff on litigation and enforcement actions, at least eight
45 members of the governing body must agree to take action. If



1 at least eight votes in favor of such action are not cast, an
2 action of rejection shall be deemed to have been taken.

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

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

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

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

44 The advisory planning commission shall elect from its
45 own members a chairman and a vice chairman, whose terms



1 of office shall be 2 years and who may be reelected. If a
2 vacancy occurs in either office, the advisory planning
3 commission shall fill such vacancy for the unexpired term.

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

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

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

21
22 **ARTICLE IV. Personnel**
23

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

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

43 (c) The agency may establish and maintain or participate
44 in such additional programs of employee benefits as may be
45 appropriate to afford employees of the agency terms and



1 conditions of employment similar to those enjoyed by
2 employees of California and Nevada generally.

3
4 **ARTICLE V. Planning**
5

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

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

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

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

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

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

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



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

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

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

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

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

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

41 ↪ Where increases in capacity are required, the agency shall
42 give preference to providing such capacity through public
43 transportation and public programs and projects related to
44 transportation. The agency shall review and consider all



1 existing transportation plans in preparing its regional
2 transportation plan pursuant to this paragraph.

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

5 The plan shall give consideration to:

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

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

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

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

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

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

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

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

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

44 The agency may, however, adopt air or water quality
45 standards or control measures more stringent than the



1 applicable state implementation plan or the applicable federal,
2 state, or local standards for the region, if it finds that such
3 additional standards or control measures are necessary to
4 achieve the purposes of this compact. Each element of the
5 regional plan, where applicable, shall, by ordinance, identify
6 the means and time schedule by which air and water quality
7 standards will be attained.

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

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

32 (g) The agency shall adopt ordinances prescribing
33 specific written findings that the agency must make prior to
34 approving any project in the region. These findings shall
35 relate to environmental protection and shall insure that the
36 project under review will not adversely affect implementation
37 of the regional plan and will not cause the adopted
38 environmental threshold carrying capacities of the region to
39 be exceeded.

40 (h) The agency shall maintain the data, maps and other
41 information developed in the course of formulating and
42 administering the regional plan, in a form suitable to assure a
43 consistent view of developmental trends and other relevant
44 information for the availability of and use by other agencies



1 of government and by private organizations and individuals
2 concerned.

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

14 **ARTICLE VI. Agency's Powers**
15

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

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

44 Every ordinance adopted by the agency shall be published
45 at least once by title in a newspaper or combination of



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

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

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

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

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

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



1 may be approved if subdivision of the land is necessary to
2 avoid insolvency of the district.

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

8 (3) During each of the calendar years 1980, 1981 and
9 1982, no city or county may issue building permits which
10 authorize the construction of a greater number of new
11 residential units within the region than were authorized within
12 the region by building permits issued by that city or county
13 during the calendar year 1978. For the period of January
14 through April, 1983, building permits authorizing the
15 construction of no more than one-third of that number may be
16 issued by each such city or county. For purposes of this
17 paragraph a "residential unit" means either a single family
18 residence or an individual residential unit within a larger
19 building, such as an apartment building, a duplex or a
20 condominium.

21 The legislatures find the respective numbers of residential
22 units authorized within the region during the calendar year
23 1978 to be as follows:

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

30 (4) During each of the calendar years 1980, 1981 and
31 1982, no city or county may issue building permits which
32 authorize construction of a greater square footage of new
33 commercial buildings within the region than were authorized
34 within the region by building permits for commercial
35 purposes issued by that city or county during the calendar
36 year 1978. For the period of January through April, 1983,
37 building permits authorizing the construction of no more than
38 one-third the amount of that square footage may be issued by
39 each such city or county.

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

43	1. City of South Lake Tahoe and El Dorado	
44	County (combined).....	64,324
45	2. Placer County.....	23,000



1	3. Carson City.....	-0-
2	4. Douglas County.....	57,354
3	5. Washoe County	50,600

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

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

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

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

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

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

36 The moratorium imposed by this subdivision does not
37 apply to the construction of any parking garage which has
38 been approved by the agency prior to May 4, 1979, whether
39 that approval was affirmative or by default. The provisions of
40 this paragraph are not an expression of legislative intent that
41 any such parking garage, the approval of which is the subject
42 of litigation which was pending on the effective date of the
43 amendments to this compact, should or should not be
44 constructed. The provisions of this paragraph are intended
45 solely to permit construction of such a parking garage if a



1 judgment sustaining the agency's approval to construct that
2 parking garage has become final and no appeal is pending or
3 may lawfully be taken to a higher court.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

37 (3) Internal modification, remodeling, change in use or
38 repair of areas open to public use within a structure housing
39 gaming under a nonrestricted license which alone or in
40 combination with any other such modification, remodeling,
41 change in use or repair will increase the total portion of those
42 areas which is actually used for gaming by more than the
43 product of the total base area, as defined below, in square feet
44 existing on or approved before August 4, 1980, multiplied by
45 15 percent constitutes a project and is subject to all of the



1 provisions of this compact relating to projects. For purposes
2 of this paragraph and the determination required by Article
3 VI (g), base area means all of the area within a structure
4 housing gaming under a nonrestricted license which may be
5 open to public use, whether or not gaming is actually
6 conducted or carried on in that area, except retail stores,
7 convention centers and meeting rooms, administrative offices,
8 kitchens, maintenance and storage areas, rest rooms,
9 engineering and mechanical rooms, accounting rooms and
10 counting rooms.

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

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

19 (A) The location of its external walls;

20 (B) Its total cubic volume;

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

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

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

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

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

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

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

43 (j) Legal actions arising out of or alleging a violation of
44 the provisions of this compact, of the regional plan or of an
45 ordinance or regulation of the agency or of a permit or a



1 condition of a permit issued by the agency are governed by
2 the following provisions:

3 (1) This subdivision applies to:

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

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

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

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

14 (2) Venue lies:

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

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

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

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

44 (5) In any legal action filed pursuant to this subdivision
45 which challenges an adjudicatory act or decision of the



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

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

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

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



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

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

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

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

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

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



ARTICLE VII. Environmental Impact Statements

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

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

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

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

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

(C) Alternatives to the proposed project;

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

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

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

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

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

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

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

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



1 environmental standards shall be made available to the public
2 and shall accompany the project through the review
3 processes. The public shall be consulted during the
4 environmental impact statement process and views shall be
5 solicited during a public comment period not to be less than
6 60 days.

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

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

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

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

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

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

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



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

10
11 **ARTICLE VIII. Finances**
12

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

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

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

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



1 (e) The agency shall not obligate itself beyond the
2 moneys due under this article for its support from the several
3 counties and the states for the current fiscal year, plus any
4 moneys on hand or irrevocably pledged to its support from
5 other sources. No obligation contracted by the agency shall
6 bind either of the party states or any political subdivision
7 thereof.
8

9 **ARTICLE IX. Transportation District**

10
11 (a) The Tahoe transportation district is hereby established
12 as a special purpose district. The boundaries of the district are
13 coterminous with those of the region.

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

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

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

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

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

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

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

28 ➤ Any director may designate an alternate.

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

33 (d) The Tahoe transportation district may in accordance
34 with the adopted transportation plan:

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

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

41 (3) Hire the employees of existing public transportation
42 systems that are acquired by the district without loss of
43 benefits to the employees, bargain collectively with employee
44 organizations, and extend pension and other collateral
45 benefits to employees.



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

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

5 (6) By resolution, determine and propose for adoption a
6 tax for the purpose of obtaining services of the district. The
7 tax proposed must be general and of uniform operation
8 throughout the region, and may not be graduated in any way.
9 The district is prohibited from imposing an ad valorem tax, a
10 tax measured by gross or net receipts on business, a tax or
11 charge that is assessed against people or vehicles as they enter
12 or leave the region, and any tax, direct or indirect, on gaming
13 tables and devices. Any such proposition must be submitted
14 to the voters of the district and shall become effective upon
15 approval of two-thirds of the voters voting on the proposition.
16 The revenues from any such tax must be used for the service
17 for which it was imposed, and for no other purpose.

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

21 (e) The legislatures of the states of California and Nevada
22 may, by substantively identical enactments, amend this
23 article.
24

25 **ARTICLE X. Miscellaneous**
26

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

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



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

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

12 2. Section 18 of chapter 530, Statutes of Nevada 2011, at page
13 3740, is hereby amended to read as follows:

14 Sec. 18. 1. NRS 244.153, 266.263, 267.123, 268.099,
15 269.123, 277.190, 277.200, 277.210, 277.215, 278.025,
16 278.826, 309.385 and 318.103 are hereby repealed.

17 2. Sections 1 and 2 of chapter 442, Statutes of Nevada
18 1985, at pages 1257 and 1258, respectively, and *sections 2*
19 *and 3 of chapter 311, Statutes of Nevada 1997, at pages*
20 *1147 and 1169, respectively*, are hereby repealed.

21 3. NRS 277.220 is repealed effective upon:

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

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

30 3. Section 23.5 of chapter 530, Statutes of Nevada 2011, at
31 page 3742, is hereby amended to read as follows:

32 Sec. 23.5. If all of the events described in *paragraph (a)*
33 *of subsection 44 6 of section 25 of this act* have not yet taken
34 place as of July 1, 2015, the Governor, on or after that date,
35 but before October 1, 2015:

36 1. Shall assess whether it is likely that all of the events
37 described in *paragraph (a) of subsection 44 6 of section 25*
38 *of this act* will take place in the reasonably foreseeable future;
39 and

40 2. May, if the Governor determines it is likely that all of
41 the events described in *paragraph (a) of subsection 44 6 of*
42 *section 25 of this act* will take place in the reasonably
43 foreseeable future, issue a proclamation to that effect. ~~If the~~
44 ~~Governor issues the proclamation described in this~~



~~subsection, sections 1, 2 to 22, inclusive, and 24 of this act must not become effective until October 1, 2017.~~

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

Sec. 25. 1. This section, ~~and~~ sections 17.3 ~~and~~ 17.7, **subsection 2 of section 18, and sections 22.5, 23 and 23.5** of this act become effective upon passage and approval.

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

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

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

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

4. Except as otherwise provided in ~~subsection 5,~~ **subsections 5 and 6,** sections 1 ~~and~~ 2 to **17, inclusive, subsections 1 and 3 of section 18, and sections 19 to 22,** inclusive, and 24 of this act become effective on October 1, 2015. ~~Unless, by that date, all of the following events have occurred:~~

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

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

~~—(c) The governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan.~~

5. ~~Except as otherwise provided in subsection 6,~~ **in** the event that the Governor of this State issues a proclamation pursuant to section 23.5 of this act, sections 1 ~~and~~ 2 to **17, inclusive, subsections 1 and 3 of section 18, and sections 19 to 22,** inclusive, and 24 of this act become effective on October 1, 2017.

6. **Sections 1 and 2 to 17, inclusive, subsections 1 and 3 of section 18, and sections 19 to 22, inclusive, and 24 of this act do not become effective if:**

(a) All of the following events occur before October 1, 2015:



1 (1) *The State of California enacts amendments that*
2 *are substantially identical to the amendments to the Tahoe*
3 *Regional Planning Compact contained in section 1.5 of this*
4 *act;*

5 (2) *The amendments to the Tahoe Regional Planning*
6 *Compact contained in section 1.5 of this act are approved*
7 *pursuant to Public Law 96-551; and*

8 (3) *The governing board of the Tahoe Regional*
9 *Planning Agency adopts an update to the 1987 Regional*
10 *Plan; or*

11 (b) *The Governor of this State issues a proclamation*
12 *pursuant to section 23.5 of this act and all of the events*
13 *described in paragraph (a) occur before October 1, 2017.*

14 **Sec. 28.** Sections 1 and 2 of chapter 224, Statutes of Nevada
15 1981, at pages 415 and 436, respectively, sections 1, 2 and 3 of
16 chapter 731, Statutes of Nevada 1981, at pages 1824 and 1825,
17 sections 1, 2 and 3 of chapter 450, Statutes of Nevada 1983, at pages
18 1137, 1158 and 1159, respectively, and sections 1, 2 and 3 of
19 chapter 274, Statutes of Nevada 1985, at pages 819 and 841, are
20 hereby repealed.

21 **Sec. 29.** This act becomes effective upon passage and
22 approval.

TEXT OF REPEALED SECTIONS

Section 1 of chapter 224, Statutes of Nevada 1981:

SECTION 1. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

TAHOE REGIONAL PLANNING COMPACT

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

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

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



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

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

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

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

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

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

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

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

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



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

ARTICLE II. Definitions

As used in this compact:

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

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

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

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

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

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



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

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

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

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

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

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

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

ARTICLE III. Organization

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

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

(1) California delegation:

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

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



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 an appointment. The member appointed pursuant to this subparagraph 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 a 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 or employee has a direct or indirect investment worth more than \$1,000.

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

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

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

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

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

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



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

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

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

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

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

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



body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

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

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

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom



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

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 an 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 constitutes 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, 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.

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 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 bistrate 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 subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

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

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

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

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

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



complete according to standards which must be prescribed by ordinance of the agency.

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

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. 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 parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes



and of public transit to move people and goods within the region; and

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

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

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

The plan shall give consideration to:

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

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

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

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

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

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

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

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



organizations which affect or are concerned with planning and development within the region.

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

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

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

(g) The agency shall adopt ordinances prescribing specific written findings that the 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.

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

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

ARTICLE VI. Agency's Powers

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

(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 unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan. The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) 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 (g) of Article V, the 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 May 1, 1983, whichever is earlier:



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

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

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

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

1. City of South Lake Tahoe and El Dorado County (combined).....	252
2. Placer County.....	278
3. Carson City.....	-0-
4. Douglas County.....	1339 529
5. Washoe County.....	739

Notwithstanding the numerical limitations on residential units set forth in this paragraph, any residential unit for which sewer capacity was allocated in 1980 in El Dorado County but for which no building permit was issued in 1980 may be issued a building permit in 1981.



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

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

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

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

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

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

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

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



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

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

(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 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 is prohibited.

(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, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

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

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

(A) Enlarge the cubic volume of the structure;

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

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

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

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

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



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

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

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

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

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

- (A) The location of its external walls;
- (B) Its total cubic volume;
- (C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;
- (D) The amount of surface area of land under the structure; and



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

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

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

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

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

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

(1) This subdivision applies to:

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

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

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

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

(2) Venue lies:

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

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

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions



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

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

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

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

(7) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an



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

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

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

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

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

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

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not



be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

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

ARTICLE VII. Environmental Impact Statements

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

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in 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 shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

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

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

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

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

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project



alternatives discussed in the environmental impact statement on the project.

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

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

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

ARTICLE VIII. Finances

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

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



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

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

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

ARTICLE IX. Transportation District

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

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

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

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

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

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

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

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

Any director may designate an alternate.

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

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



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

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

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

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

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

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

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

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

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

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any



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

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

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

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

Section 2 of chapter 224, Statutes of Nevada 1981:

SEC. 2. This act shall become effective upon passage and approval.

Section 1 of chapter 731, Statutes of Nevada 1981:

SECTION 1. Chapter 224, Statutes of Nevada 1981, is hereby amended by adding thereto a new section to be designated as section 1.5, which shall immediately follow section 1 and shall read as follows:

Sec. 1.5. 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 amendments 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 amendments,
shall proclaim that the compact has been so amended.



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Section 2 of chapter 731, Statutes of Nevada 1981:

SEC. 2. Section 2 of chapter 224, Statutes of Nevada 1981, is hereby amended to read as follows:

Sec. 2. *1.* This ~~act~~ *section and section 1.5 of this act* shall become effective upon passage and approval.

2. Section 1 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.

Section 3 of chapter 731, Statutes of Nevada 1981:

SEC. 3. This act shall become effective upon passage and approval.

Section 1 of chapter 450, Statutes of Nevada 1983:

Section 1. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

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

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

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

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

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

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic,



recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

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

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

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

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

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

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

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of



the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B.&M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

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

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

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

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

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

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

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

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



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

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

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

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

ARTICLE III. Organization

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

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

(1) California delegation:

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

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the 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 an appointment. The member appointed pursuant to this subparagraph 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 a 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 or employee has a direct or indirect investment worth more than \$1,000.

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



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

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

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

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

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

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



the date and place and posting an agenda at least 5 days prior to the meeting.

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

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

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

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

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

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

Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto,



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

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

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 an 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 constitutes 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, 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.

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 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 subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

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

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

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

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

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

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

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and



all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

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

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

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

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

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

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

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

The plan shall give consideration to:

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



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

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

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

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

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

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

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

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

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



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

(g) The agency shall adopt ordinances prescribing specific written findings that the 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.

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

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties



and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

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



(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 unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan. The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) 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 (g) of Article V, the 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 May 1, 1983, whichever is earlier:

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

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



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

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

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

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

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

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

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



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

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

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

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

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

(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 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 is prohibited.

(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, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

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

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

(A) Enlarge the cubic volume of the structure;



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

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

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

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

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

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

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



engineering and mechanical rooms, accounting rooms and counting rooms.

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

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

- (A) The location of its external walls;
- (B) Its total cubic volume;
- (C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;
- (D) The amount of surface area of land under the structure; and
- (E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

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

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

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

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

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

- (1) This subdivision applies to:
 - (A) Actions arising out of activities directly undertaken by the agency.
 - (B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.



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

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

(2) Venue lies:

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

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

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

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

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



determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

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

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

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

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

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other



intergovernmental contracts or agreements authorized by state or federal law.

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

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

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

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

ARTICLE VII. Environmental Impact Statements

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

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in 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 shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

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



and its relationship to the environmental impact statement shall be indicated.

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

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

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

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

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

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

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

ARTICLE VIII. Finances

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



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

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

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and 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) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

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

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

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



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

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

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

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

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

Any director may designate an alternate.

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

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

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

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

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

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

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

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

~~(5)~~ (6) Issue revenue bonds and other evidence of indebtedness ~~H~~ *and make other financial arrangements*



appropriate for developing and operating a public transportation system.

~~(6)~~ (7) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of ~~two-thirds~~ *a majority* of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

~~(7)~~ (8) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

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

ARTICLE X. Miscellaneous

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

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



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

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

Section 2 of chapter 450, Statutes of Nevada 1983:

Sec. 2. 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 he is officially advised that the State of California has enacted the amendments to the Tahoe Regional Planning Compact set forth in section 1 of this act, shall proclaim that the compact has been so amended.

Section 3 of chapter 450, Statutes of Nevada 1983:

Sec. 3. This section and section 2 of this act shall become effective upon passage and approval. Section 1 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.

Section 1 of chapter 274, Statutes of Nevada 1985:

Section 1. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration,



* A B 4 9 9 *

which endangers the natural beauty and economic productivity of the region.

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

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

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

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

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

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

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

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

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

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



while providing opportunities for orderly growth and development consistent with such capacities.

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

ARTICLE II. Definitions

As used in this compact:

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

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

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

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

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

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



educational organizations, to the extent excluded by applicable state law.

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

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

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

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

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

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

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

ARTICLE III. Organization

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

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

(1) California delegation:

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



(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the 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~~ *must* reside in the territorial jurisdiction of the governmental body making the appointment.

(B) ~~One member~~ *Two members* appointed by the governor of Nevada. ~~the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. 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 an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.~~ *by the speaker of the assembly and one member appointed by the majority leader of the Nevada senate.*

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) , ~~for~~ (2)(B) *or 2(C)* 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 a 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 or employee has a direct or indirect investment worth more than \$1,000.

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

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

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

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

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

(c) ~~Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the~~ **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 more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

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

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

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

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

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



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

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

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

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



the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

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 an 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 constitutes 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, 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.

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 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 bistrate 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 subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

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

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

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



(2) The owner or lessee of real property which would be affected by such amendment, the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

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

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

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

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

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods



within the region. The goal of transportation planning shall be:

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

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

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

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

The plan shall give consideration to:

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

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

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

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

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

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

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

In formulating and maintaining the regional plan, the planning commission and governing body shall take account



of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

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

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

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

(g) The agency shall adopt ordinances prescribing specific written findings that the 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.

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

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

ARTICLE VI. Agency's Powers

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



are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the 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 therefore will 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 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.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (c), (d), (e) ~~[(f) and (g)]~~ and (f) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan. The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) 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 (g) of Article V, the 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 May 1, 1983, whichever is earlier:~~

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

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

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

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

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

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



~~purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county. The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:~~

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

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

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

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

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

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

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



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

~~—(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 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 is prohibited.

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

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

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

(A) Enlarge the cubic volume of the structure;

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

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

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

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

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

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



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

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

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

- (A) The location of its external walls;
- (B) Its total cubic volume;
- (C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;
- (D) The amount of surface area of land under the structure; and
- (E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

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

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



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

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

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

(1) This subdivision applies to:

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

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

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

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

(2) Venue lies:

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

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

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at



an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

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

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

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

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

~~(A)~~ (B) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure



compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

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

~~(l)~~ (l) 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.

~~(m)~~ (m) 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.

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

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

~~(p)~~ (p) The governing body shall maintain a current list of real property known to be available for exchange with the



United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

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

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in 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 shall consult with and obtain the comments of any federal, state or local agency which has



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

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

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

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

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

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

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

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions



of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

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

ARTICLE VIII. Finances

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

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

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and 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) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

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

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

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

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

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

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

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

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

Any director may designate an alternate.

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

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

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



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

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

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

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

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

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

(7) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of a majority of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

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

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

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the



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

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

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

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

Section 2 of chapter 274, Statutes of Nevada 1985:

Sec. 2. 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.



Section 3 of chapter 274, Statutes of Nevada 1985:

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes 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.



