

**Carson City
Agenda Report**

Date Submitted: March 29, 2011

Agenda Date Requested: April 7, 2011

Time Requested: 10 mins

To: Mayor and Supervisors

From: Shelly Aldean, Supervisor

Subject Title: Discussion and possible action with respect to SB 271, a bill which, among other things, provides for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact and the assumption by the Nevada Tahoe Regional Planning Agency of the duties and powers currently held by the bi-state Tahoe Regional Planning Agency for that portion of the Lake Tahoe Basin within Nevada's jurisdictional boundaries.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does this action require a Business Impact Statement: () Yes (X) No

Recommended Board Action: To be determined by the Board.

Explanation for Recommended Board Action: See staff summary.

Applicable Statute, Code, Policy, Rule or Regulation: N/A

Fiscal Impact:

Explanation of Impact: N/A

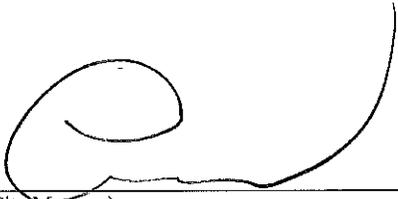
Funding Source: N/A

Alternatives: N/A

Supporting Material: SB 271

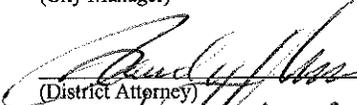
Prepared By: Janet Busse, Office Supervisor

Reviewed By:



(City Manager)

Date: 3/29/11



(District Attorney)

Date: 3/29/11



(Finance Director)

Date: 3/29/11

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

SENATE BILL NO. 271—SENATORS LEE; AND SETTELMEYER

MARCH 18, 2011

JOINT SPONSORS: ASSEMBLYMEN HICKEY, KIRNER AND KITE

Referred to Committee on Government Affairs

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

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

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

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

Legislative Counsel’s Digest:

- 1 Existing law sets forth the Tahoe Regional Planning Compact, an interstate
- 2 agreement between the States of California and Nevada pursuant to which the
- 3 bistate Tahoe Regional Planning Agency regulates environmental and land-use
- 4 matters within the Lake Tahoe Basin. (NRS 277.190-277.220) Existing law also
- 5 provides that if either State withdraws from the Compact, the Nevada Tahoe
- 6 Regional Planning Agency shall assume the duties and powers of regulating
- 7 environmental and land-use matters on this State’s side of the Lake Tahoe Basin.
- 8 (NRS 278.826)
- 9 This bill provides for the withdrawal of Nevada from the Tahoe Regional
- 10 Planning Compact, thus causing the Nevada Tahoe Regional Planning Agency, for
- 11 the portion of the Lake Tahoe Basin within this State, to assume the duties and
- 12 powers currently held by the bistate Tahoe Regional Planning Agency. This bill
- 13 also establishes temporary measures to ensure that the Nevada Tahoe Regional
- 14 Planning Agency is able to assume those duties and powers in an orderly manner.



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

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

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

6 277.207 All judicial actions and proceedings in which there
7 may arise a question of the validity of any matter under the
8 provisions of *former* NRS 277.190 to 277.220, inclusive, ~~shall~~
9 *must* be advanced as a matter of immediate public interest and
10 concern, and be heard at the earliest practicable moment.

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

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

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

20 278.024 1. In the region of this State for which there has
21 been created by NRS 278.780 to 278.828, inclusive, *and section 3*
22 *of this act* a regional planning agency, the powers conferred by NRS
23 278.010 to 278.630, inclusive, upon any other authority are
24 subordinate to the powers of such regional planning agency, and
25 may be exercised only to the extent that their exercise does not
26 conflict with any ordinance or plan adopted by such regional
27 planning agency. The powers conferred by NRS 278.010 to
28 278.630, inclusive, shall be exercised whenever appropriate in
29 furtherance of a plan adopted by the regional planning agency.

30 2. Upon the adoption by a regional planning agency created by
31 NRS 278.780 to 278.828, inclusive, *and section 3 of this act* of any
32 regional plan, any plan adopted pursuant to NRS 278.010 to
33 278.630, inclusive, shall cease to be effective as to the territory
34 embraced in such regional plan. Each planning commission and
35 governing body whose previously adopted plan is so affected shall,
36 within 90 days after the effective date of the regional plan, initiate
37 any necessary procedure to revise its plan and any related zoning
38 ordinances which affect adjacent territory.

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

40 278.782 As used in NRS 278.780 to 278.828, inclusive, *and*
41 *section 3 of this act*, unless the context otherwise requires, the



1 words and terms defined in NRS 278.784 to 278.791, inclusive,
2 have the meanings ascribed to them in those sections.

3 **Sec. 6.** NRS 278.792 is hereby amended to read as follows:

4 278.792 1. The Nevada Tahoe Regional Planning Agency is
5 hereby created as a separate legal entity.

6 2. The governing body of the Agency consists of ~~{}~~ *seven*
7 *members as follows:*

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

14 (b) ~~{One member appointed by the}~~ *The* Governor of Nevada ~~{;~~
15 ~~the Secretary of State of Nevada}~~ or a designee of the ~~{Secretary of~~
16 ~~State, and the Director}~~ *Governor.*

17 (c) *The Lieutenant Governor or a designee of the Lieutenant*
18 *Governor.*

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

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

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

28 ~~{(c) One member appointed for a 1-year term by the six other~~
29 ~~members. If at least four members are unable to agree upon the~~
30 ~~selection of a seventh member within 30 days after this section~~
31 ~~becomes effective or the occurrence of a vacancy, the Governor~~
32 ~~shall make the appointment. The member appointed pursuant to this~~
33 ~~paragraph may but is not required to be a resident of the region.}~~

34 3. If any appointing authority fails to make an appointment
35 within 30 days after the effective date of this section or the
36 occurrence of a vacancy on the governing body, the Governor shall
37 make the appointment.

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

41 5. Each member and employee of the Agency shall disclose his
42 or her economic interests in the region within 10 days after taking
43 the seat on the governing body or being employed by the Agency
44 and shall thereafter disclose any further economic interest which he



1 or she acquires, as soon as feasible after acquiring it. As used in this
2 section, "economic interest" means:

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

5 (b) Any real property located in the region in which the member
6 has a direct or indirect interest worth more than \$1,000;

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

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

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

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

25 278.794 The terms of office of the members of the governing
26 body ~~}, other than the member appointed by the other members,} :~~

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

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

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

34 218E.550 As used in NRS 218E.550 to 218E.580, inclusive,
35 unless the context otherwise requires, "Committee" means the
36 Legislative Committee for the Review and Oversight of the *Nevada*
37 Tahoe Regional Planning Agency and the Marlette Lake Water
38 System created by NRS 218E.555.

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

40 218E.555 1. There is hereby created the Legislative
41 Committee for the Review and Oversight of the *Nevada*
42 Tahoe Regional Planning Agency and the Marlette Lake Water System
43 consisting of three members of the Senate and three members of the
44 Assembly, appointed by the Legislative Commission with
45 appropriate regard for their experience with and knowledge of



1 matters relating to the management of natural resources. The
2 members must be appointed to provide representation from the
3 various geographical regions of the State.

4 2. The Legislative Commission shall review and approve the
5 budget and work program for the Committee and any changes to the
6 budget or work program.

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

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

15 5. Vacancies on the Committee must be filled in the same
16 manner as original appointments.

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

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

20 218E.565 The Committee shall:

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

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

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

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

31 (b) The Marlette Lake Water System regarding Marlette Lake .

32 ~~}; and~~

33 ~~—4.— Continue to communicate with members of the Legislature~~
34 ~~of the State of California to achieve the goals set forth in the Tahoe~~
35 ~~Regional Planning Compact.]~~

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

37 321.5952 The Legislature hereby finds and declares that:

38 1. The Lake Tahoe Basin exhibits unique environmental and
39 ecological conditions that are irreplaceable.

40 2. Certain of the unique environmental and ecological
41 conditions exhibited within the Lake Tahoe Basin, such as the
42 clarity of the water in Lake Tahoe, are diminishing at an alarming
43 rate.



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

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

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

11 6. The powers and duties set forth in NRS 321.5952 to
12 321.5957, inclusive, are intended to be exercised by the Division in
13 a manner that complements and does not duplicate the activities of
14 the *Nevada* Tahoe Regional Planning Agency.

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

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

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

24 (b) For each set of 25 forms certifying emission
25 control compliance150

26 (c) For each form issued to a fleet station6

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

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

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

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

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

43 (e) The *Nevada* Tahoe Regional Planning Agency to carry out
44 the provisions of NRS ~~277.200~~ *278.780 to 278.828, inclusive, and*



1 *section 3 of this act* with respect to the preservation and
2 improvement of air quality in the Lake Tahoe Basin.

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

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

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

23 6. The Department of Motor Vehicles shall by regulation
24 establish a program to award grants of money in the Pollution
25 Control Account to local governmental agencies in nonattainment or
26 maintenance areas for an air pollutant for which air quality criteria
27 have been issued pursuant to 42 U.S.C. § 7408, for programs related
28 to the improvement of the quality of the air. The grants to agencies
29 in a county pursuant to this subsection must be made from any
30 excess money in the Pollution Control Account. As used in this
31 subsection, "excess money" means the money in excess of
32 \$1,000,000 remaining in the Pollution Control Account at the end of
33 the fiscal year, after deduction of the amounts distributed pursuant
34 to subsection 4 and any disbursements made from the Account
35 pursuant to subsection 2.

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

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

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

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



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

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

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

11 528.150 1. On or before January 1 of each year, the State
12 Forester Firewarden shall, in coordination and cooperation with the
13 *Nevada* Tahoe Regional Planning Agency and the fire chiefs within
14 the Lake Tahoe Basin, submit a report concerning fire prevention
15 and forest health in the Nevada portion of the Lake Tahoe Basin to:

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

20 (b) The Governor;

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

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

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

26 (a) The status of:

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

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

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

34 (b) Compliance with:

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

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

40 (c) Any efforts to:

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

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



1 **Sec. 14.** NRS 540A.030 is hereby amended to read as follows:
2 540A.030 1. In each county to which this chapter applies,
3 except as otherwise provided in subsections 2 and 3, the region
4 within which water is to be managed, and with respect to which
5 plans for its use are to be made, pursuant to this chapter is the entire
6 county except:

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

26 ~~{7.}~~ 6. As used in this section, “land coverage” means
27 any covering over the natural surface of the ground that
28 prevents water from percolating into the ground.

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

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

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

38 (a) Any land within the region defined by NRS ~~{277.200;~~
39 ~~the Tahoe Regional Planning Compact;}~~ 278.790;

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

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



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

- 5 (1) Basin 22 (San Emidio Desert);
6 (2) Basin 23 (Granite Basin); and
7 (3) Basin 24 (Hualapai Flat); and

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

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

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

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

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

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

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

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

36 *whichever is earlier.*

37 **Sec. 18.** 1. NRS 244.153, 266.263, 267.123, 268.099,
38 269.123, 277.190, 277.200, 277.210, 277.215, 278.025, 278.826,
39 309.385 and 318.103 are hereby repealed.

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

42 3. NRS 277.220 is repealed effective upon:

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



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

5 **Sec. 19.** Except as otherwise provided in NRS 278.792 as
6 amended by section 6 of this act, the governing body, officers,
7 advisory planning commission, executive officer, staff and legal
8 counsel elected or appointed pursuant to NRS 278.780 to 278.828,
9 inclusive, shall remain in their respective offices with the Nevada
10 Tahoe Regional Planning Agency after the withdrawal of the State
11 of Nevada from the Tahoe Regional Planning Compact and until the
12 expiration of their terms, termination by the appointing authority or
13 forfeiture of office.

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

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

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

24 **Sec. 21.** As soon as practicable after the effective date of this
25 act:

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

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

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

35 **Sec. 22.** As soon as practicable after the effective date of this
36 act, the governing body of the Nevada Tahoe Regional Planning
37 Agency shall:

38 1. Adopt a regional plan pursuant to its authority set forth in
39 NRS 278.8111.

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

43 **Sec. 23.** The Secretary of State shall transmit a certified copy
44 of this act to:

45 1. The Governor of the State of California; and



1 2. The governing body of the Tahoe Regional Planning
2 Agency.

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

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

9 2. In preparing supplements to the Nevada Administrative
10 Code, appropriately change any references to an officer, agency or
11 other entity whose name is changed or whose responsibilities are
12 transferred pursuant to the provisions of this act to refer to the
13 appropriate officer, agency or other entity.

14 **Sec. 25.** 1. This section and sections 1, 3, 6, 17, 21, 22 and
15 23 of this act become effective upon passage and approval.

16 2. Sections 2, 4, 5, 7 to 16, inclusive, 18, 19, 20 and 24 of this
17 act become effective on October 1, 2011.

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

244.153 Public works: County's powers subordinate to powers of regional planning agency.

266.263 Public works: City's powers subordinate to powers of regional planning agency.

267.123 Public works: City's powers subordinate to powers of regional planning agency.

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

269.123 Town's powers subordinate to powers of regional planning agency.

277.190 Enactment of Tahoe Regional Planning Compact.

277.200 Text of Compact. [Effective until approval by the Congress of the United States of the proposed amendments of 1987 or until proclamation by the Governor of this State that the State of California has enacted amendments substantially similar to the amendments approved in 1997 by the Legislature of this State.]

277.210 Conflict of interest of member of governing body; penalties.



277.215 Violation of certain provisions of Code of Ordinances of Tahoe Regional Planning Agency: Peace officer authorized to take various actions; reporting of name and address of violator; exception.

277.220 Account for Tahoe Regional Planning Agency: Creation; source and use of money.

278.025 Powers of regional planning agency created by interstate compact.

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

309.385 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.

318.103 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.

Section 1 of chapter 442, Statutes of Nevada 1985, page 1257:

Section 1. NRS 278.792 is hereby amended to read as follows:

278.792 1. The Nevada Tahoe regional planning agency is hereby created as a separate legal entity.

2. The governing body of the agency consists of:

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

(b) ~~One member~~ *Two members* appointed by the governor ~~of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. A member who is appointed or designated pursuant to this paragraph must not be a resident of the region and shall represent the public at large within the State of Nevada.~~

~~(c) One member appointed for a 1 year term by the six other members. If at least four members are unable to agree upon the selection of a seventh member within 30 days after this section becomes effective or the occurrence of a vacancy, the governor shall make the appointment. The member~~



~~appointed pursuant to this paragraph may but is not required to be a resident of the region.~~ *of this state.*

(c) One member appointed by the speaker of the assembly, and one member appointed by the majority leader of the senate, of this state.

3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the governor shall make the appointment.

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

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

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

(b) Any real property located in the region in which the member has a direct or indirect interest worth more than \$1,000 ; ~~†~~

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

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

No member or employee of the agency may make or attempt to influence ~~an agency decision~~ *a decision of the agency* in which he knows or has reason to know he has a financial interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest of the member or employee.



Section 2 of chapter 442, Statutes of Nevada 1985, page 1258:

Sec. 2. 1. This section becomes effective upon passage and approval.

2. All other sections of this act become effective 1 minute after a proclamation by the governor of the amendment of Article III(a)(2) of the Tahoe Regional Planning Compact as proposed by Assembly Bill No. 433 of this session.

