

AMENDED IN ASSEMBLY JUNE 24, 2019

AMENDED IN SENATE APRIL 30, 2019

AMENDED IN SENATE APRIL 11, 2019

SENATE BILL

No. 785

**Introduced by Committee on Natural Resources and Water
(Senators Stern (Chair), Allen, Borgeas, Caballero, Hertzberg,
Hueso, Jackson, Jones, and Monning)**

March 11, 2019

An act to amend Section 2301 of the Fish and Game Code, *to amend Section 66801 of*, and to repeal Section 50370-~~of~~ *of*, the Government Code, to amend Sections ~~31013~~ 614, 615, 5012, 10211, 31013, and 31116 of the Public Resources Code, and to amend Sections 38505, 38506, 38600, 38601, 38602, 38603, and 38604 of the Vehicle Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 785, as amended, Committee on Natural Resources and Water. Public resources: parklands, freshwater resources, and coastal resources: off-highway motor vehicles: public lands.

(1) Existing law, until January 1, 2020, generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, and authorizes the Director of Fish and Wildlife or the director's designee to engage in various enforcement activities with regard to dreissenid mussels. Among those activities, existing law authorizes the director to conduct inspections of waters of the state and facilities located within waters of the state that may contain dreissenid mussels and, if those mussels are detected or may be present,

order the closure of the affected waters or facilities to conveyances or otherwise restrict access to the affected waters or facilities, with the concurrence of the Secretary of the Natural Resources Agency.

This bill would extend to January 1, 2030, the repeal date of those provisions.

Under existing law, a violation of these provisions is a crime. By extending the operation of these provisions, this bill would impose a state-mandated local program.

(2) Existing law establishes the State Lands Commission in the Natural Resources Agency and prescribes the functions and duties of the commission. Under current law, the State Lands Commission cedes concurrent criminal jurisdiction to the United States with regard to specified properties.

Existing law authorizes the legislative body of a local agency to convey land that it owns within its boundaries to the United States to be used for federal purposes, as specified. Existing law cedes to the United States exclusive jurisdiction over land conveyed for these purposes, reserving concurrent jurisdiction with the United States for the execution of all civil and criminal process, issued under authority of the state, as if the conveyance had not been made.

This bill would repeal the provision ceding jurisdiction over land conveyed pursuant to the provisions authorizing the legislative body of a local agency to convey land that it owns within its boundaries to the United States to be used for federal purposes.

(3) Existing law establishes the State Coastal Conservancy in state government, and prescribes the powers and duties of the conservancy with regard to the protection, preservation, and enhancement of specified coastal lands in the coastal zone, as defined. Existing law requires the conservancy to implement various coastal protection programs and projects, and, for purposes of those provisions, defines a “nonprofit organization” to mean any private, nonprofit organization, that qualifies under a specified provision of the United States Internal Revenue Code and whose purposes are consistent with specified provisions related to the conservancy.

This bill would remove the requirement from that definition that the nonprofit organization’s purpose be consistent with specified provisions related to the conservancy.

Existing law authorizes the State Coastal Conservancy to grant funds to a nonprofit organization under specified coastal protection programs and projects if the nonprofit organization enters into an agreement with

the conservancy, subject to terms and conditions specified by the conservancy. Existing law requires any funds collected from a nonprofit organization pursuant to an agreement regarding a grant issued by the conservancy to be deposited in the Nonprofit Organization Land Trust Account in the State Coastal Conservancy Fund.

This bill would remove the requirement that any funds collected from a nonprofit organization pursuant to an agreement regarding a grant be deposited in the Nonprofit Organization Land Trust Account in the State Coastal Conservancy Fund, and would remove the provisions establishing the account in the fund.

(4) The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, among other things, authorized the issuance of grants to local governments from the sale of bonds for the acquisition, development, restoration, and enhancement of local parks, pursuant to the State General Obligation Bond Law, in specified amounts.

This bill would authorize the County of San Diego to transfer a specified parcel of park property, acquired with those bond funds, to the San Diego County Water Authority and would authorize the county to accept a transfer of a different specified parcel from the California Department of Transportation, if certain conditions are satisfied, including that the county signs an agreement with the Department of Parks and Recreation that ensures that the parcel transferred to the county is maintained and operated in perpetuity for park purposes, as provided. The bill would state that the transfer of the state property is not a sale or other disposition of surplus state property within the meaning of the California Constitution.

(5) Existing law, the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971, sets forth operating requirements and restrictions on off-highway motor vehicles, including, among others, all-terrain vehicles and recreational off-highway vehicles. Existing law applies those requirements and restrictions to off-highway motor vehicles operating on lands, other than a highway, that are open and accessible to the public, as specified, except private lands under the immediate control of the owner or the owner's agent if permission is required and has been granted to operate a motor vehicle.

This bill would clarify that the requirements and restrictions on the operation of all-terrain and recreational off-highway vehicles applies to their operation on these lands.

(6) Existing law ratified the Tahoe Regional Planning Compact, a bilateral agreement between the States of Nevada and California, to regulate development and preserve the natural environment and economic productivity of the Lake Tahoe region, defined to include specified areas in the Lake Tahoe basin and surrounding areas. The compact establishes the Tahoe Transportation District and prescribes the membership of the district's board of directors, which includes one member of each local transportation district in the region. The compact authorizes the California Legislature and the Nevada Legislature to amend those provisions of the compact governing the transportation district by substantially identical enactments.

This bill would amend the compact to change the membership of the board of directors by eliminating from the board those members of local transportation districts in the region and by adding to the board one appointee each made by the governing body of the Tahoe Regional Planning Agency, the Governor of California, and the Governor of Nevada. The bill would require the board to elect a chairperson and a vice chairperson, as specified. The bill would declare that its provisions shall become operative only if the State of Nevada, by a substantially identical enactment, adopts that amendment to the compact.

(7) Existing law authorizes the Department of Parks and Recreation, upon application by the proper authorities, to grant permits and easements for certain purposes and to certain entities, including, among other things, to a public agency for public roads.

This bill would additionally authorize the department to grant a permit and easement to a public agency for public bicycle and pedestrian trails.

(8) Existing law establishes the California Farmland Conservancy Program Act, to be administered generally by the Department of Conservation, and provides that it is the intent of the act to, among other things, encourage voluntary, long-term private stewardship of agricultural lands by offering landowners financial incentives, encourage local land use planning for orderly and efficient urban growth and conservation of agricultural land, and encourage improvements to enhance long-term sustainable agricultural uses. The act establishes the California Farmland Conservancy Program Fund and requires, except as provided, moneys in the fund, upon appropriation, to be used for the purposes of the California Farmland Conservancy Program, which include, among other things, the purchase of agricultural conservation easements, fee title acquisition grants, and land improvement and planning grants. The act requires an agricultural

conservation easement to be granted to a local government, nonprofit organization, resource conservation district, or a regional park or open-space district or regional park or open-space authority, as specified.

This bill would authorize an agricultural conservation easement to be granted to any organization or entity authorized to acquire and hold conservation easements.

(9) Existing law requires the Department of Conservation to conduct a study and propose an implementation strategy to meet the intent of the soil conservation plan adopted by the soil conservation committee. Existing law requires the department to report the results of this study to the Legislature on or before December 1, 1988.

Existing law requires the department to conduct a certain study of resource conservation districts in California and report the result of the study to the Legislature on or before December 1, 1989.

This bill would eliminate these provisions.

(10) Existing law requires the Department of Conservation to provide soil conservation advisory services to local governments, land owners, farmers and ranchers, resource conservation districts, and the general public, that include, among other things, review of environmental impact reports as required under the California Environmental Quality Act.

This bill would specify that soil conservation advisory services instead include review of documents prepared under the act.

(11) Existing law exempts specified grants awarded by the Department of Conservation from certain requirements pertaining to public contracts.

This bill would instead exempt specified grants administered by the department from these requirements.

(12) This bill would correct and update cross-references and make various nonsubstantive changes.

~~(6)~~

(13) This bill would make legislative findings and declarations as to the necessity of a special statute pertaining to the lands in the County of San Diego that are involved in the transfer described in (4) above.

~~(7)~~

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2301 of the Fish and Game Code is
2 amended to read:
3 2301. (a) (1) Except as authorized by the department, a person
4 shall not possess, import, ship, or transport in the state, or place,
5 plant, or cause to be placed or planted in any water within the state,
6 dreissenid mussels.
7 (2) The director or the director’s designee may do all of the
8 following:
9 (A) Conduct inspections of conveyances, which include vehicles,
10 boats and other watercraft, containers, and trailers, that may carry
11 or contain adult or larval dreissenid mussels. Included as part of
12 this authority to conduct inspections is the authority to temporarily
13 stop conveyances that may carry or contain adult or larval
14 dreissenid mussels on any roadway or waterway in order to conduct
15 inspections.
16 (B) Order that areas in a conveyance that contain water be
17 drained, dried, or decontaminated pursuant to procedures approved
18 by the department.
19 (C) Impound or quarantine conveyances in locations designated
20 by the department for up to five days or the period of time
21 necessary to ensure that dreissenid mussels can no longer live on
22 or in the conveyance.
23 (D) (i) Conduct inspections of waters of the state and facilities
24 located within waters of the state that may contain dreissenid
25 mussels. If dreissenid mussels are detected or may be present, the
26 director or the director’s designee may order the affected waters
27 or facilities closed to conveyances or otherwise restrict access to
28 the affected waters or facilities, and shall order that conveyances
29 removed from, or introduced to, the affected waters or facilities
30 be inspected, quarantined, or disinfected in a manner and for a
31 duration necessary to detect and prevent the spread of dreissenid
32 mussels within the state.
33 (ii) For the purpose of implementing clause (i), the director or
34 the director’s designee shall order the closure or quarantine of, or
35 restrict access to, these waters, areas, or facilities in a manner and

1 duration necessary to detect and prevent the spread of dreissenid
2 mussels within the state. A closure, quarantine, or restriction shall
3 not be authorized by the director or the director's designee without
4 the concurrence of the Secretary of the Natural Resources Agency.
5 If a closure lasts longer than seven days, the department shall
6 update the operator of the affected facility every 10 days on efforts
7 to address the dreissenid mussel infestation. The department shall
8 provide these updates in writing and also post these updates on
9 the department's internet website in an easily accessible manner.

10 (iii) The department shall develop procedures to ensure proper
11 notification of affected local and federal agencies, and, as
12 appropriate, the Department of Water Resources, the Department
13 of Parks and Recreation, and the State Lands Commission in the
14 event of a decision to close, quarantine, or restrict a facility
15 pursuant to this paragraph. These procedures shall include the
16 reasons for the closure, quarantine, or restriction, and methods for
17 providing updated information to those affected. These procedures
18 shall also include protocols for the posting of the notifications on
19 the department's internet website required by clause (ii).

20 (iv) When deciding the scope, duration, level, and type of
21 restrictions, and specific location of a closure or quarantine, the
22 director shall consult with the agency, entity, owner, or operator
23 with jurisdiction, control, or management responsibility over the
24 marina, boat launch facility, or other facility, in order to focus the
25 closure or quarantine to specific areas and facilities so as to avoid
26 or minimize disruption of economic or recreational activity in the
27 vicinity.

28 (b) (1) Upon a determination by the director that it would further
29 the purposes of this section, other state agencies, including, but
30 not limited to, the Department of Parks and Recreation, the
31 Department of Water Resources, the Department of Food and
32 Agriculture, and the State Lands Commission, may exercise the
33 authority granted to the department in subdivision (a).

34 (2) A determination made pursuant to paragraph (1) shall be in
35 writing and shall remain in effect until withdrawn, in writing, by
36 the director.

37 (c) (1) Except as provided in paragraph (2), Division 13
38 (commencing with Section 21000) of the Public Resources Code
39 does not apply to the implementation of this section.

1 (2) An action undertaken pursuant to subparagraph (B) of
2 paragraph (2) of subdivision (a) involving the use of chemicals
3 other than salt or hot water to decontaminate a conveyance or a
4 facility is subject to Division 13 (commencing with Section 21000)
5 of the Public Resources Code.

6 (d) (1) A public or private agency that operates a water supply
7 system shall cooperate with the department to implement measures
8 to avoid infestation by dreissenid mussels and to control or
9 eradicate any infestation that may occur in a water supply system.
10 If dreissenid mussels are detected, the operator of the water supply
11 system, in cooperation with the department, shall prepare and
12 implement a plan to control or eradicate dreissenid mussels within
13 the system. The approved plan shall contain the following
14 minimum elements:

15 (A) Methods for delineation of infestation, including both adult
16 mussels and veligers.

17 (B) Methods for control or eradication of adult mussels and
18 decontamination of water containing larval mussels.

19 (C) A systematic monitoring program to determine any changes
20 in conditions.

21 (D) The requirement that the operator of the water supply system
22 permit inspections by the department as well as cooperate with the
23 department to update or revise control or eradication measures in
24 the approved plan to address scientific advances in the methods
25 of controlling or eradicating mussels and veligers.

26 (2) If the operator of water delivery and storage facilities for
27 public water supply purposes has prepared, initiated, and is in
28 compliance with all the elements of an approved plan to control
29 or eradicate dreissenid mussels in accordance with paragraph (1),
30 the requirements of subdivision (a) do not apply to the operation
31 of those water delivery and storage facilities, and the operator is
32 not subject to any civil or criminal liability for the introduction of
33 dreissenid mussel species as a result of those operations. The
34 department may require the operator of a facility to update its plan,
35 and if the plan is not updated or revised as described in
36 subparagraph (D) of paragraph (1), subdivision (a) shall apply to
37 the operation of the water delivery and storage facilities covered
38 by the plan until the operator updates or revises the plan and
39 initiates and complies with all of the elements of the updated or
40 revised plan.

1 (e) Any entity that discovers dreissenid mussels within this state
2 shall immediately report the discovery to the department.

3 (f) (1) In addition to any other penalty provided by law, any
4 person who violates this section, violates any verbal or written
5 order or regulation adopted pursuant to this section, or who resists,
6 delays, obstructs, or interferes with the implementation of this
7 section, is subject to a penalty, in an amount not to exceed one
8 thousand dollars (\$1,000), that is imposed administratively by the
9 department.

10 (2) A penalty shall not be imposed pursuant to paragraph (1)
11 unless the department has adopted regulations specifying the
12 amount of the penalty and the procedure for imposing and
13 appealing the penalty.

14 (g) The department may adopt regulations to carry out this
15 section.

16 (h) Pursuant to Section 818.4 of the Government Code, the
17 department and any other state agency exercising authority under
18 this section shall not be liable with regard to any determination or
19 authorization made pursuant to this section.

20 (i) This section shall remain in effect only until January 1, 2030,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2030, deletes or extends that date.

23 SEC. 2. Section 50370 of the Government Code is repealed.

24 SEC. 3. *Section 66801 of the Government Code is amended to*
25 *read:*

26 66801. The provisions of this interstate compact executed
27 between the States of Nevada and California are as follows:

28

29

TAHOE REGIONAL PLANNING COMPACT

30

31 ARTICLE I. FINDINGS AND DECLARATIONS OF POLICY

32

33 (a) It is found and declared that:

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

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

39 (3) The region exhibits unique environmental and ecological
40 values ~~which~~ *that* are irreplaceable.

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

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

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

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

16 (8) Responsibilities for providing recreational and scientific
17 opportunities, preserving scenic and natural areas, and safeguarding
18 the public who live, ~~work~~ *work*, and play in or visit the region are
19 divided among local governments, regional agencies, the States
20 of California and Nevada, and the federal government.

21 (9) In recognition of the public investment and multistate and
22 national significance of the recreational values, the federal
23 government has an interest in the acquisition of recreational
24 property and the management of resources in the region to preserve
25 environmental and recreational values, and the federal government
26 should assist the states in fulfilling their responsibilities.

27 (10) In order to preserve the scenic beauty and outdoor
28 recreational opportunities of the region, there is a need to ensure
29 an equilibrium between the region's natural endowment and its
30 manmade environment.

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

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

4
5 ARTICLE II. DEFINITIONS
6

7 As used in this compact, the following terms have the following
8 meanings:

9 (a) “Region,” includes Lake Tahoe, the adjacent parts of Douglas
10 and Washoe Counties and Carson City, which for the purposes of
11 this compact shall be deemed a county, lying within the Tahoe
12 Basin in the State of Nevada, and the adjacent parts of the Counties
13 of Placer and El Dorado lying within the Tahoe Basin in the State
14 of California, and that additional and adjacent part of the County
15 of Placer outside of the Tahoe Basin in the State of California
16 ~~which~~ *that* lies southward and eastward of a line starting at the
17 intersection of the basin crestline and the north boundary of Section
18 1, thence west to the northwest corner of Section 3, thence south
19 to the intersection of the basin crestline and the west boundary of
20 Section 10; all sections referring to Township 15 North, Range 16
21 East, M.D.B. & M. The region defined and described herein shall
22 be as precisely delineated on official maps of the agency.

23 (b) “Agency” means the Tahoe Regional Planning Agency.

24 (c) “Governing body” means the governing board of the Tahoe
25 Regional Planning Agency.

26 (d) “Regional plan” means the long-term general plan for the
27 development of the region.

28 (e) “Planning commission” means the advisory planning
29 commission appointed pursuant to subdivision (h) of Article III.

30 (f) “Gaming” means to deal, operate, carry on, conduct, ~~maintain~~
31 *maintain*, or expose for play any banking or percentage game
32 played with cards, ~~die~~ *dice*, or any mechanical device or machine
33 for money, property, checks, ~~credit~~ *credit*, or any representative
34 of value, including, without limiting the generality of the foregoing,
35 faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack,
36 seven-and-a-half, big injun, klondike, craps, stud poker, draw ~~poker~~
37 *poker*, or slot machine, but does not include social games played
38 solely for drinks, or cigars or cigarettes served individually, games
39 played in private homes or residences for prizes or games operated

1 by charitable or educational organizations, to the extent excluded
2 by applicable state law.

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

6 (h) “Project” means an activity undertaken by any person,
7 including any public agency, if the activity may substantially affect
8 the land, water, air, ~~space~~ *space*, or any other natural resources of
9 the region.

10 (i) “Environmental threshold carrying capacity” means an
11 environmental standard necessary to maintain a significant scenic,
12 recreational, educational, ~~scientific~~ *scientific*, or natural value of
13 the region or to maintain public health and safety within the region.
14 Such standards shall ~~include~~ *include*, but not be limited to, to,
15 standards for air quality, water quality, soil conservation, vegetation
16 ~~preservation~~ *preservation*, and noise.

17 (j) “Feasible” means capable of being accomplished in a
18 successful manner within a reasonable period of time, taking into
19 account economic, environmental, ~~social~~ *social*, and technological
20 factors.

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

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

28 (m) “Nonrestricted license” means a gaming license ~~which~~ *that*
29 is not a restricted gaming license.

30

31

ARTICLE III. ORGANIZATION

32

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

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

36 (1) California delegation:

37 (A) One member appointed by each of the County Boards of
38 Supervisors of the Counties of El Dorado and Placer and one
39 member appointed by the City Council of the City of South Lake
40 Tahoe. Any such member may be a member of the county board

1 of supervisors or city council, respectively, and shall reside in the
2 territorial jurisdiction of the governmental body making the
3 appointment.

4 (B) Two members appointed by the Governor of California,
5 one member appointed by the Speaker of the Assembly of
6 California and one member appointed by the Senate Rules
7 Committee of the State of California. The members appointed
8 pursuant to this subparagraph shall not be residents of the region
9 and shall represent the public at large within the State of California.
10 A member appointed by the Speaker of the Assembly or the Senate
11 Rules Committee may, subject to confirmation by ~~his or her~~ *the*
12 appointing power, designate an alternate to attend meetings and
13 vote in the absence of the appointed member. The designation of
14 a named alternate, which shall be in writing and contain evidence
15 of confirmation by the appointing power, shall be kept on file with
16 the agency. An appointed member may change ~~his or her~~ *the*
17 alternate from time to time, with the confirmation of the appointing
18 power, but shall have only one designated alternate at a time. An
19 alternate shall be subject to those qualifications and requirements
20 prescribed by this compact that are applicable to the appointed
21 member.

22 (2) Nevada delegation:

23 (A) One member appointed by each of the boards of county
24 commissioners of Douglas and Washoe Counties and one member
25 appointed by the Board of Supervisors of Carson City. Any such
26 member may be a member of the board of county commissioners
27 or board of supervisors, respectively, and shall reside in the
28 territorial jurisdiction of the governmental body making the
29 appointment.

30 (B) Two members appointed by the Governor of Nevada, one
31 member appointed by the Speaker of the Assembly and one
32 member appointed by the Majority Leader of the Nevada Senate.
33 All members appointed pursuant to this subparagraph shall not be
34 residents of the region and shall represent the public at large within
35 the State of Nevada. A member appointed by the Speaker of the
36 Nevada Assembly or the Majority Leader of the Nevada Senate
37 may, subject to confirmation by ~~his or her~~ *the* appointing power,
38 designate an alternate to attend meetings and vote in the absence
39 of the appointed member. The designation of a named alternate,
40 which shall be in writing and contain evidence of confirmation by

1 the appointing power, shall be kept on file with the agency. An
2 appointed member may change ~~his or her~~ *the* alternate from time
3 to time, with the confirmation of the appointing power, but shall
4 have only one designated alternate at a time. An alternate shall be
5 subject to those qualifications and requirements prescribed by this
6 compact that are applicable to the appointed member.

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

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

18 (5) Each member and employee of the agency shall disclose ~~his~~
19 ~~or her~~ *any* economic interests in the region within 10 days after
20 taking ~~his or her~~ *a* seat on the governing board or being employed
21 by the agency and shall thereafter disclose any further economic
22 interest ~~which he or she acquires~~, *acquired* as soon as feasible after
23 ~~he or she acquires~~ *acquiring* it. As used in this paragraph,
24 “economic interests” ~~means~~: *means any of the following*:

25 (A) Any business entity operating in the region in which the
26 member or employee has a direct or indirect investment worth
27 more than one thousand dollars (\$1,000).

28 (B) Any real property located in the region in which the member
29 or employee has a direct or indirect interest worth more than one
30 thousand dollars (\$1,000).

31 (C) Any source of income attributable to activities in the region,
32 other than loans by or deposits with a commercial lending
33 institution in the regular course of business, aggregating two
34 hundred fifty dollars (\$250) or more in value received by or
35 promised to the member within the preceding 12 ~~months~~; ~~or~~
36 *months*.

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

1 No member or employee of the agency shall make, or attempt
2 to influence, an agency decision in which ~~he or she knows or has~~
3 *they know or have* reason to know ~~he or she has~~ *that they have* an
4 economic interest. Members and employees of the agency must
5 disqualify themselves from making or participating in the making
6 of any decision of the agency when it is reasonably foreseeable
7 that the decision will have a material financial effect,
8 distinguishable from its effect on the public generally, on the
9 economic interests of the member or employee.

10 (b) The members of the agency shall serve without
11 compensation, but the expenses of each member shall be met by
12 the body ~~which he or she represents~~ *that they represent* in
13 accordance with the law of that body. All other expenses incurred
14 by the governing body in the course of exercising the powers
15 conferred upon it by this compact unless met in some other manner
16 specifically provided, shall be paid by the agency out of its own
17 funds.

18 (c) The members of the governing body serve at the pleasure
19 of the appointing authority in each case, but each appointment
20 shall be reviewed no less often than every four years. Members
21 may be reappointed.

22 (d) The governing body of the agency shall meet at least
23 monthly. All meetings shall be ~~opened~~ *open* to the public to the
24 extent required by the law of the State of California or the State
25 of Nevada, whichever imposes the greater requirement, applicable
26 to local governments at the time such meeting is held. The
27 governing body shall fix a date for its regular monthly meeting in
28 such terms as “the first Monday of each month,” and shall not
29 change such date more often than once in any calendar year. Notice
30 of the date so fixed shall be given by publication at least once in
31 a newspaper or combination of newspapers whose circulation is
32 general throughout the region and in each county a portion of
33 whose territory lies within the region. Notice of any special
34 meeting, except an emergency meeting, shall be given by
35 publishing the date and place and posting an agenda at least five
36 days prior to the meeting.

37 (e) The position of a member of the governing body shall be
38 considered vacated upon ~~his or her~~ *the* loss of any of the
39 qualifications required for ~~his or her appointment~~ *that appointment*,
40 and in such event the appointing authority shall appoint a successor.

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

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

9 (1) For adopting, ~~amending~~ *amending*, or repealing
10 environmental threshold carrying capacities, the regional plan, and
11 ordinances, ~~rules~~ *rules*, and regulations, and for granting variances
12 from the ordinances, ~~rules~~ *rules*, and regulations, the vote of at
13 least four of the members of each state agreeing with the vote of
14 at least four members of the other state shall be required to take
15 action. If there is no vote of at least four of the members from one
16 state agreeing with the vote of at least four of the members of the
17 other state on the actions specified in this paragraph, an action of
18 rejection shall be deemed to have been taken.

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

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

36 Whenever under the provisions of this compact or any ordinance,
37 rule, ~~regulation~~ *regulation*, or policy adopted pursuant thereto, the
38 agency is required to review or approve any project, public or
39 private, the agency shall take final action by vote, whether to
40 approve, to require modification or to reject such project, within

1 180 days after the application for such project is accepted as
2 complete by the agency in compliance with the agency's rules and
3 regulations governing such delivery unless the applicant has agreed
4 to an extension of this time limit. If a final action by vote does not
5 take place within 180 days, the applicant may bring an action in
6 a court of competent jurisdiction to compel a vote unless ~~he or she~~
7 *the applicant* has agreed to an extension. This provision does not
8 limit the right of any person to obtain judicial review of agency
9 action under subdivision (h) of Article VI. The vote of each
10 member of the governing body shall be individually recorded. The
11 governing body shall adopt its own rules, regulations and
12 procedures.

13 (h) (1) An advisory planning commission shall be appointed
14 by the agency. The commission shall include: the chief planning
15 officers of Placer County, El Dorado County, and the City of South
16 Lake Tahoe in California and of Douglas County, Washoe ~~County~~
17 *County*, and Carson City in Nevada, the executive officer of the
18 Lahontan Regional Water Quality Control Board of the State of
19 California, the executive officer of the *State* Air Resources Board
20 of the State of California, the Director of the State Department of
21 Conservation and Natural Resources of the State of Nevada, the
22 Administrator of the Division of Environmental Protection in the
23 State Department of Conservation and Natural Resources of the
24 State of Nevada, the Administrator of the Lake Tahoe Management
25 Unit of the United States Forest Service, and at least four lay
26 members with an equal number from each state, at least one-half
27 of whom shall be residents of the region. Any official member
28 may designate an alternate.

29 ~~The~~

30 (2) *The* term of office of each lay member of the advisory
31 planning commission shall be two years. Members may be
32 reappointed.

33 ~~The~~

34 (3) *The* position of each member of the advisory planning
35 commission shall be considered vacated upon loss of any of the
36 qualifications required for appointment, and in such an event the
37 appointing authority shall appoint a successor.

38 ~~The~~

39 (4) *The* advisory planning commission shall elect from its own
40 members a chairperson and a vice chairperson, whose terms of

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

4 ~~A~~

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

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

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

21

22 ARTICLE IV. PERSONNEL

23

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

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

1 and regulations governing personnel assigned under
2 intergovernmental agreements.

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

8
9 ARTICLE V. PLANNING

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

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

30 If a request is made for the amendment of the regional plan ~~by:~~
31 *by either of the following entities, the governing body shall*
32 *complete its action on such amendment within 180 days after that*
33 *request is accepted as complete according to standards that must*
34 *be prescribed by ordinance of the agency:*

35 (1) A political subdivision a part of whose territory would be
36 affected by ~~such amendment;~~ *or the amendment.*

37 (2) The owner or lessee of real property that would be affected
38 by ~~such amendment, the governing body shall complete its action~~
39 ~~on such amendment within 180 days after that request is accepted~~

1 ~~as complete according to standards that must be prescribed by~~
2 ~~ordinance of the agency.~~ *the amendment.*

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

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

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

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

35 (2) A transportation plan for the integrated development of a
36 regional system of transportation, including, but not limited to,
37 parkways, highways, transportation facilities, transit routes,
38 waterways, navigation facilities, public transportation facilities,
39 bicycle facilities, and appurtenant terminals and facilities for the

1 movement of people and goods within the region. The goal of
2 transportation planning shall be:

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

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

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

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

16 The plan shall give consideration ~~to~~ *to all of the following*:

17 (A) Completion of the Loop Road in the States of Nevada and
18 ~~California~~; *California*.

19 (B) ~~Utilization~~ *Use* of a light rail mass transit system in the
20 south shore ~~area~~; *and area*.

21 (C) ~~Utilization~~ *Use* of a transit terminal in the Kingsbury Grade
22 area.

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

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

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

37 (5) A public services and facilities plan for the general location,
38 ~~scale~~ *scale*, and provision of public services and facilities, which,
39 by the nature of their function, size, ~~extent~~ *extent*, and other

1 characteristics are necessary or appropriate for inclusion in the
2 regional plan.

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

10 (d) (1) The regional plan shall provide for attaining and
11 maintaining federal, state, or local air and water quality standards,
12 whichever are strictest, in the respective portions of the region for
13 which the standards are applicable.

14 ~~The~~

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

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

1 for the Nevada portion of the region by the governing body of the
2 agency.

3 (f) The regional plan, ordinances, ~~rules~~ *rules*, and regulations
4 of the Tahoe Regional Planning Agency apply to that portion of
5 the region within the State of Nevada.

6 (g) The agency shall adopt ordinances prescribing specific
7 written findings that the agency must make prior to approving any
8 project in the region. These findings shall relate to environmental
9 protection and shall ensure that the project under review will not
10 adversely affect implementation of the regional plan and will not
11 cause the adopted environmental threshold carrying capacities of
12 the region to be exceeded.

13 (h) The agency shall maintain the data, ~~maps~~ *maps*, and other
14 information developed in the course of formulating and
15 administering the regional plan, in a form suitable to ensure a
16 consistent view of developmental trends and other relevant
17 information for the availability of and use by other agencies of
18 government and by private organizations and individuals
19 concerned.

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

29
30 ARTICLE VI. AGENCY'S POWERS

31
32 (a) (1) The governing body shall adopt all necessary ordinances,
33 rules, and regulations to effectuate the adopted regional plan.
34 Except as otherwise provided in this compact, every such
35 ordinance, ~~rule~~ *rule*, or regulation shall establish a minimum
36 standard applicable throughout the region. Any political subdivision
37 or public agency may adopt and enforce an equal or higher
38 requirement applicable to the same subject of regulation in its
39 territory. The regulations of the agency shall contain standards
40 including, but not limited to, the following: water purity and clarity;

1 subdivision; zoning; tree removal; solid waste disposal; sewage
 2 disposal; landfills, excavations, ~~cuts cuts~~, and grading; piers,
 3 harbors, ~~breakwaters breakwaters~~, or channels and other shoreline
 4 developments; waste disposal in shoreline areas; waste disposal
 5 from boats; mobilehome parks; house relocation; outdoor
 6 advertising; flood plain protection; soil and sedimentation control;
 7 air pollution; and watershed protection. Whenever possible without
 8 diminishing the effectiveness of the regional plan, the ordinances,
 9 rules, ~~regulations regulations~~, and policies shall be confined to
 10 matters ~~which that~~ are general and regional in application, leaving
 11 to the jurisdiction of the respective states, ~~counties counties~~, and
 12 cities the enactment of specific and local ordinances, rules,
 13 ~~regulations regulations~~, and policies ~~which that~~ conform to the
 14 regional plan.

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

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

30 (b) (1) No project other than those to be reviewed and approved
 31 under the special provisions of subdivisions (d), (e), ~~(f) (f)~~, and
 32 (g) may be developed in the region without obtaining the review
 33 and approval of the agency and no project may be approved unless
 34 it is found to comply with the regional plan and with the
 35 ordinances, ~~rules rules~~, and regulations enacted pursuant to
 36 subdivision (a) to effectuate that plan.

37 ~~The~~
 38 (2) *The* agency may approve a project in the region only after
 39 making the written findings required by this subdivision or

1 subdivision (g) of Article V. Such findings shall be based on
2 substantial evidence in the record.

3 ~~Before~~

4 (3) *Before* adoption by the agency of the ordinances required
5 in subdivision (g) of Article V, the agency may approve a project
6 in the region only after making written findings on the basis of
7 substantial evidence in the record that the project is consistent with
8 the regional plan then in effect and with applicable plans,
9 ordinances, ~~regulations~~ *regulations*, and standards of federal and
10 state agencies relating to the protection, ~~maintenance~~ *maintenance*,
11 and enhancement of environmental quality in the region.

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

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

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

35 (3) (A) During each of the calendar years 1980, 1981, and ~~1982~~
36 *1982*, no city or county may issue building permits ~~which~~ *that*
37 authorize the construction of a greater number of new residential
38 units within the region than were authorized within the region by
39 building permits issued by that city or county during the calendar
40 year 1978. For the period of January through April 1983, building

1 permits authorizing the construction of no more than one-third of
2 that number may be issued by each such city or county. For
3 purposes of this paragraph, a “residential unit” means either a
4 single family residence or an individual residential unit within a
5 larger building, such as an apartment building, a duplex, or a
6 condominium.

7 ~~The~~

8 (B) The Legislatures find the respective numbers of residential
9 units authorized within the region during the calendar year 1978
10 to be as follows:

11		
12	1. City of South Lake Tahoe and El Dorado County	
13	(combined)	252
14	2. Placer County	278
15	3. Carson City	0
16	4. Douglas County	339
17	5. Washoe County	739
18		

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

28 ~~The~~

29 (B) The Legislatures find the respective square footages of
30 commercial buildings authorized within the region during the
31 calendar year 1978 to be as follows:

32		
33	1. City of South Lake Tahoe and El Dorado County	
34	(combined)	64,324
35	2. Placer County	23,000
36	3. Carson City	0
37	4. Douglas County	57,354
38	5. Washoe County	50,600
39		

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

3 (6) No facility for the treatment of sewage may be constructed
4 or enlarged ~~except:~~ *except in any of the following circumstances:*

5 (A) To comply, as ordered by the appropriate state agency for
6 the control of water pollution, with existing limitations of effluence
7 under the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.)
8 and the applicable state law for control of water ~~pollution;~~ *or*
9 *pollution.*

10 (B) To accommodate development which is not prohibited or
11 limited by this ~~subdivision;~~ *or subdivision.*

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

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

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

1 parking garage if judgment sustaining the agency's approval to
2 construct that parking garage has become final and no appeal is
3 pending or 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 that
7 approval was affirmative or by default, if that litigation was
8 pending on May 4, 1979, the agency and the States of California
9 and Nevada shall recognize as a permitted and conforming use:

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

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

23 (3) Gaming conducted pursuant to a restricted gaming license
24 issued before May 4, 1979, to the extent permitted by that license
25 on that date. The area within any structure housing gaming under
26 a nonrestricted license ~~which~~ *that* may be open to public use (as
27 distinct from that devoted to the private use of guests and exclusive
28 of any parking area) is limited to the area existing or approved for
29 public use on May 4, 1979. Within these limits, any external
30 modification of the structure ~~which~~ *that* requires a permit from a
31 local government also requires approval from the agency. The
32 agency shall not permit restaurants, convention facilities,
33 ~~showrooms~~ *showrooms*, or other public areas to be constructed
34 elsewhere in the region outside the structure in order to replace
35 areas existing or approved for public use on May 4, 1979.

36 (e) Any structure housing licensed gaming may be rebuilt or
37 replaced to a size not to exceed the cubic volume, ~~height~~ *height*,
38 and land coverage existing or approved on May 4, 1979, without
39 the review or approval of the agency or any planning or regulatory

1 authority of the State of Nevada whose review or approval would
2 be required for a new structure.

3 (f) The following provisions apply to any internal or external
4 modification, remodeling, change in use, or repair of a structure
5 housing gaming under a nonrestricted license ~~which~~ *that* is not
6 prohibited by subdivision (d):

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

11 (A) Enlarge the cubic volume of the ~~structure~~; *structure*.

12 (B) Increase the total square footage of area open to or approved
13 for public use on May 4, ~~1979~~; *1979*.

14 (C) Convert an area devoted to the private use of guests to an
15 area open to public ~~use~~; *use*.

16 (D) Increase the public area open to public use ~~which~~ *that* is
17 used for gaming beyond the limits contained in paragraph ~~(3)~~; *and*
18 *(3)*.

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

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

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

36 (3) Internal modification, remodeling, change in ~~use~~ *use*, or
37 repair of areas open to the public use within a structure housing
38 gaming under a nonrestricted license ~~which~~ *that* alone or in
39 combination with any other such modification, remodeling, change
40 in ~~use~~ *use*, or repair will increase the total portion of those areas

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

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

19 (1) Documents containing sufficient information for the Nevada
 20 agency to establish *all of the following* relative to the structure:

21 (A) The location of its external ~~walls;~~ *walls*.

22 (B) Its total cubic ~~volume;~~ *volume*.

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

26 (D) The amount of surface area of land under the ~~structure;~~ *and*
 27 *structure*.

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

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

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

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

38 (i) The provisions of subdivisions (d) and (e) are intended only
 39 to limit gaming and related activities as conducted within a gaming
 40 establishment, or construction designed to permit the enlargement

1 of such activities, and not to limit any other use of property zoned
2 for commercial use or the accommodation of tourists, as approved
3 by the agency.

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

9 (1) This subdivision applies to:

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

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

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

16 Those legal actions may be filed and the provisions of this
17 subdivision apply equally in the appropriate courts of California
18 and Nevada and of the United States.

19 (2) Venue lies:

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

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

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

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

7 (5) (A) In any legal action filed pursuant to this subdivision
8 that challenges an adjudicatory act or decision of the agency to
9 approve or disapprove a project, the scope of judicial inquiry shall
10 extend only to whether there was prejudicial abuse of discretion.
11 Prejudicial abuse of discretion is established if the agency has not
12 proceeded in a manner required by law or if the act or decision of
13 the agency was not supported by substantial evidence in light of
14 the whole record. In making such a determination the court shall
15 not exercise its independent judgment on evidence but shall only
16 determine whether the act or decision was supported by substantial
17 evidence in light of the whole record. In any legal action filed
18 pursuant to this subdivision that challenges a legislative act or
19 decision of the agency (such as the adoption of the regional plan
20 and the enactment of implementing ordinances), the scope of the
21 judicial inquiry shall extend only to the questions of whether the
22 act or decision has been arbitrary, ~~capricious~~ *capricious*, or lacking
23 substantial evidentiary support or whether the agency has failed
24 to proceed in a manner required by law.

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

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

36 (6) The provisions of this subdivision do not apply to any legal
37 proceeding pending on the date when this subdivision becomes
38 effective. Any such legal proceeding shall be conducted and
39 concluded under the provisions of law ~~which~~ *that* were applicable
40 ~~prior to~~ *before* the effective date of this subdivision.

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

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

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

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

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

35 (o) Every record of the agency, whether public or not, shall be
36 open for examination to the Legislature and Controller of the State
37 of California and the Legislative Auditor of the State of Nevada.

38 (p) Approval by the agency of any project expires three years
39 after the date of final action by the agency or the effective date of
40 the amendments to this compact, whichever is later, unless

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

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

14
 15 ARTICLE VII. ENVIRONMENTAL IMPACT
 16 STATEMENTS
 17

18 (a) The Tahoe Regional Planning ~~Agency~~ *Agency*, when acting
 19 upon matters that have a significant effect on the ~~environment~~
 20 ~~shall~~ *environment, shall do all of the following:*

21 (1) ~~Utilize~~ *Use* a systematic, interdisciplinary approach ~~which~~
 22 ~~that~~ will ensure the integrated use of the natural and social sciences
 23 and the environmental design arts in planning and in
 24 decisionmaking ~~which that~~ may have an impact on ~~man's~~
 25 ~~environment;~~ *the environment of humans.*

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

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

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

34 (C) Alternatives to the proposed ~~project;~~ *project.*

35 (D) Mitigation measures ~~which that~~ must be implemented to
 36 ensure meeting standards of the ~~region;~~ *region.*

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

1 (F) Any significant irreversible and irretrievable commitments
2 of resources ~~which that~~ would be involved in the proposed project
3 should it be ~~implemented; and~~ *implemented*.

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

5 (3) Study, ~~develop~~ *develop*, and describe appropriate alternatives
6 to recommended courses of action for any project ~~which that~~
7 involves unresolved conflicts concerning alternative uses of
8 available ~~resources; resources~~.

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

13 (5) Initiate and ~~utilize~~ *use* ecological information in the planning
14 and development of resource-oriented projects.

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

27 (c) (1) Any environmental impact statement required pursuant
28 to this article need not repeat in its entirety any information or data
29 ~~which that~~ is relevant to such a statement and is a matter of public
30 record or is generally available to the public, such as information
31 contained in an environmental impact report prepared pursuant to
32 the California Environmental Quality Act (*Division 13*
33 *(commencing with Section 21000) of the Public Resources Code*)
34 or a federal environmental impact statement prepared pursuant to
35 the *federal* National Environmental Policy Act of ~~1969; 1969~~ (*42*
36 *U.S.C. Sec. 4321 et seq.*). However, the information or data shall
37 be briefly described in the environmental impact statement and its
38 relationship to the environmental impact statement shall be
39 indicated.

40 ~~In~~

1 (2) *In* addition, any person may submit information relative to
 2 a proposed project ~~which~~ *that* may be included, in whole or in part,
 3 in any environmental impact statement required by this article.

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

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

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

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

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

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

32
 33 ARTICLE VIII. FINANCES
 34

35 (a) On or before September 30 of each calendar year the agency
 36 shall establish the amount of money necessary to support its
 37 activities for the next succeeding fiscal year commencing July 1
 38 of the following year. The agency shall apportion seventy-five
 39 thousand dollars (\$75,000) of this amount among the counties
 40 within the region on the same ratio to the total sum required as the

1 full cash valuation of taxable property within the region in each
2 county bears to the total full cash valuation of taxable property
3 within the region. In addition, each county within the region in
4 California shall pay eighteen thousand seven hundred fifty dollars
5 (\$18,750) to the agency and each county within the region in
6 Nevada, including Carson City, shall pay twelve thousand five
7 hundred dollars (\$12,500) to the agency, from any funds available
8 therefor. The State of California and the State of Nevada may pay
9 to the agency by July 1, of each year any additional sums necessary
10 to support the operations of the agency pursuant to this compact.
11 If additional funds are required, the agency shall make a request
12 for the funds to the States of California and Nevada. Requests for
13 state funds must be apportioned two-thirds from California and
14 one-third from Nevada. Money appropriated shall be paid within
15 30 days.

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

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

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

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

33

34 ARTICLE IX. TRANSPORTATION DISTRICT

35

36 (a) The Tahoe Transportation District is hereby established as
37 a special purpose district authorized and operating under the federal
38 authority provided by Public Law 96-551. The boundaries of the
39 district are conterminous with those of the region as established
40 under Public Law 96-551 for the Tahoe Regional Planning Agency.

- 1 (b) The business of the district shall be managed by a board of
2 directors consisting of the following members:
- 3 (1) One member of the Board of Supervisors of each of the
4 Counties of El Dorado and Placer appointed by the respective
5 board of supervisors.
- 6 (2) One member of the City Council of South Lake Tahoe
7 appointed by the city council.
- 8 (3) One member each of the Board of County Commissioners
9 of Douglas County and Washoe County appointed by the respective
10 board of county commissioners.
- 11 (4) One member of the Board of Supervisors of Carson City
12 appointed by the board of supervisors.
- 13 (5) One member of the South Shore Transportation Management
14 Association, or its successor organization, appointed by the
15 association.
- 16 (6) One member of the North Shore Transportation Management
17 Association, or its successor organization, appointed by the
18 association.
- 19 (7) ~~One member of each local transportation district in the region
20 that is authorized by the State of Nevada or the State of California.
21 appointed by the governing body of the agency.~~
- 22 (8) One member appointed by a majority of the other voting
23 directors who represents a public or private transportation system
24 operating in the region.
- 25 (9) The Director of the Department of Transportation of the
26 State of California.
- 27 (10) The Director of the Department of Transportation of the
28 State of Nevada.
- 29 *(11) One member appointed by the Governor of California.*
- 30 *(12) One member appointed by the Governor of Nevada.*
- 31 (c) Any appointing authority may designate an alternate.
- 32 ~~(d) Before a member is appointed pursuant to paragraph (7) of
33 subdivision (b), the local transportation district of which the person
34 is a member and the Tahoe Transportation District shall agree in
35 writing on the allocation of fiscal and policy responsibilities
36 between the two entities, including, but not limited to, the
37 distribution of revenue.~~
- 38 (e)
- 39 (d) The Director of the Department of Transportation of the
40 State of California and the Director of the Department of

1 Transportation of the State of Nevada shall serve as nonvoting
2 directors, but shall provide technical and professional advice to
3 the district as necessary and appropriate.

4 *(e) The board of directors shall elect from its own members a*
5 *chairperson and a vice chairperson, whose terms of office shall*
6 *be two years. If a vacancy occurs in either office, the board may*
7 *fill that vacancy for the unexpired term. A member who is elected*
8 *to serve as chairperson or vice chairperson pursuant to this*
9 *subdivision may be elected to serve a subsequent term as*
10 *chairperson or vice chairperson, as applicable.*

11 (f) The affirmative vote of at least a majority of the directors
12 shall be required for the transaction of any business of the board
13 of directors. If a majority of votes in favor of an action are not
14 cast, an action of rejection shall be deemed to have been taken.

15 (g) The district may by resolution establish procedures for the
16 adoption of its budgets, the appropriation of money, and the
17 carrying on of its other financial activities. Those procedures shall
18 conform insofar as is practicable to the procedures for financial
19 administration of the State of California or the State of Nevada or
20 one or more of the local governments in the district.

21 (h) The district may, in accordance with its adopted
22 transportation plan, do all of the following:

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

26 (2) Own and operate support facilities for public or private
27 transportation systems, including, but not limited to, parking lots,
28 maintenance facilities, terminals, and related equipment, including
29 revenue collection devices.

30 (3) Acquire and enter into agreements to operate upon mutually
31 acceptable terms any public or private transportation system or
32 facility within the region.

33 (4) Hire the employees of existing public transportation systems
34 that are acquired by the district, without loss of benefits to the
35 employees, bargain collectively with the employees, and extend
36 pension and other collateral benefits to employees.

37 (5) Fix the rates and charges for transportation services provided
38 pursuant to this article.

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

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

7 (8) Contract with local governments in the region to operate
8 transportation facilities and services under mutually agreeable
9 terms and conditions.

10 (9) By resolution, determine and propose for adoption a tax for
11 the purpose of obtaining services of the district. The proposed tax
12 shall be of general and of uniform operation throughout the region
13 and may not be graduated in any way, except for a sales and use
14 tax. If a sales and use tax is approved by the voters, as provided
15 in this paragraph, it may be administered through the State of
16 California and the State of Nevada, respectively, in accordance
17 with the laws that apply within their respective jurisdictions and
18 shall not exceed a rate of 1 percent of the gross receipts from the
19 sale of tangible personal property sold in the district. The district
20 is prohibited from imposing an ad valorem tax, a tax measured by
21 gross or net receipts on business, a tax or charge that is assessed
22 against persons or vehicles as they enter or leave the region, or
23 any tax, direct or indirect, on gaming tables and devices. Any such
24 proposition shall be submitted to the voters of the district and shall
25 become effective upon approval in accordance with the applicable
26 voter approval requirement for the voters voting on the proposition
27 who reside in the State of California and upon approval in
28 accordance with the applicable voter approval requirement for the
29 voters voting on the proposition who reside in the State of Nevada.
30 The revenues from the tax shall be used for the services for which
31 it was imposed and for no other purpose.

32 (10) Provide services from inside the region to convenient
33 airport, railroad, and bus terminals without regard to the boundaries
34 of the region.

35 (11) If the Legislature of the State of California or the State of
36 Nevada authorizes the creation of local transportation districts at
37 Lake Tahoe, these local districts shall be entitled to a voting seat
38 on the board of directors. ~~Prior to~~ *Before* assuming that seat, the
39 local district and the district shall agree in writing on the allocation
40 of fiscal and policy responsibilities between the two entities,

1 including, but not limited to, the distribution of any voter-approved
2 revenues. If a seat is assumed under this subdivision, the voting
3 requirements under subdivision~~(e)~~ (f) shall be deemed adjusted
4 by operation of law to require a majority vote to take action.

5 (12) The Legislature of the State of California and the
6 Legislature of the State of Nevada may, by substantially identical
7 enactments, amend this article.

8

9

ARTICLE X. MISCELLANEOUS

10

11 (a) It is intended that the provisions of this compact shall be
12 reasonably and liberally construed to effectuate the purposes
13 thereof. Except as provided in subdivision (c), the provisions of
14 this compact shall be severable and if any phrase, clause,~~sentene~~
15 *sentence*, or provision of this compact is declared to be contrary
16 to the Constitution of any participating state or of the United States
17 or the applicability thereof to any government, agency,~~person~~
18 *person*, or circumstance is held invalid, the validity of the
19 remainder of this compact and the applicability thereof to any
20 government, agency,~~person~~ *person*, or circumstance shall not be
21 affected thereby. If this compact shall be held contrary to the
22 Constitution of any state participating therein, the compact shall
23 remain in full force and effect as to the remaining state and in full
24 force and effect as to the state affected as to all severable matters.

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

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

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

39 *SEC. 4. Section 614 of the Public Resources Code is amended*
40 *to read:*

1 ~~614. (a) In order to implement the soil conservation plan which~~
 2 ~~is adopted by the soil conservation committee, the department shall~~
 3 ~~conduct a study and propose an implementation strategy to meet~~
 4 ~~the intent of the plan. The study shall include, but not be limited~~
 5 ~~to, all of the following:~~

6 ~~(1) An assessment of the structural and policy changes needed~~
 7 ~~in the department to carry out the soil conservation plan.~~

8 ~~(2) A review of the provisions of Division 9 (commencing with~~
 9 ~~Section 9000) for the purposes of providing a framework for soil~~
 10 ~~conservation administration at the state and local levels.~~

11 ~~(3) Recommendations on how the department can best deliver~~
 12 ~~soil conservation services.~~

13 ~~The department shall report the results of this study to the~~
 14 ~~Legislature on or before December 1, 1988.~~

15 ~~(b) The department shall conduct a study of resource~~
 16 ~~conservation districts in California. The study shall include, but~~
 17 ~~not be limited to, all of the following:~~

18 ~~(1) A review of the provisions of Division 9 (commencing with~~
 19 ~~Section 9000) to determine the changes in policy and structure~~
 20 ~~necessary to enable resource conservation districts to better provide~~
 21 ~~soil conservation assistance.~~

22 ~~(2) Recommendations on the consolidation and reorganization~~
 23 ~~of resource conservation districts.~~

24 ~~The department shall report the result of this study to the~~
 25 ~~Legislature on or before December 1, 1989.~~

26 ~~(e)~~

27 614. The department shall provide soil conservation advisory
 28 services to local governments, land owners, farmers and ranchers,
 29 resource conservation districts, and the general public. The services
 30 shall include, but not be limited to, all of the following:

31 ~~(1)~~

32 ~~(a) State level liaison with the resource conservation districts.~~

33 ~~(2)~~

34 ~~(b) Review of environmental impact reports as required~~
 35 ~~documents prepared under the California Environmental Quality~~
 36 ~~Act (Division 13 (commencing with Section 21000)).~~

37 ~~(3)~~

38 ~~(c) Provision of information on the soil conservation components~~
 39 ~~of the federal 1985 Food Security Act.~~

40 ~~(4)~~

1 (d) Assistance to local governments on the development of soil
2 conservation guidelines for general plans.

3 ~~(5)~~

4 (e) Responding to inquiries from the general public.

5 ~~From funds appropriated for purposes of this section, an amount,~~
6 ~~not to exceed fifty thousand dollars (\$50,000), shall be utilized for~~
7 ~~the purposes of this subdivision.~~

8 *SEC. 5. Section 615 of the Public Resources Code is amended*
9 *to read:*

10 615. Grants ~~awarded~~ *administered* by the department, including,
11 but not limited to, those awarded pursuant to Division 9
12 (commencing with Section ~~9000~~), 9001), Division 10.2
13 (commencing with Section 10200), and Division 12.1 (commencing
14 with Section 14500), are not subject to the State Contract Act (Part
15 2 (commencing with Section 10100) of Division 2 of the Public
16 Contract Code) or Article 6 (commencing with Section 999) of
17 Chapter 6 of Division 4 of the Military and Veterans Code.

18 *SEC. 6. Section 5012 of the Public Resources Code is amended*
19 *to read:*

20 5012. The department may, upon application by the proper
21 authorities, grant permits and easements for the following purposes
22 and upon ~~such~~ *the* terms as the department may prescribe:

23 (a) To a public agency for public roads.

24 (b) *To a public agency for public bicycle and pedestrian trails.*

25 ~~(b)~~

26 (c) To a public agency for utility lines.

27 ~~(c)~~

28 (d) For electric, gas, water, sewer, telephone, telegraph and
29 utility lines, and pipelines and structures incidental thereto, to
30 perform a public service or oil or gas pipelines.

31 ~~(d)~~

32 (e) To a public agency for channels or facilities for the
33 development of small craft harbors and recreational areas.

34 ~~(e) To any~~

35 (f) (1) *To an oil and gas lessee of the State state for pipeline*
36 ~~right-of-way~~ *right-of-way* purposes.

37 ~~No~~

38 (2) A permit, easement, or ~~right-of-way~~ *right-of-way* for oil or
39 gas pipelines shall *not* be granted pursuant to this section as to ~~any~~
40 land acquired by the ~~State state~~ for beach or park purposes by

1 condemnation after September 18, 1959, unless and until a period
2 of 12 calendar months has elapsed following the date of acquisition
3 of ~~such~~ the land.

4 *SEC. 7. Section 10211 of the Public Resources Code is*
5 *amended to read:*

6 10211. “Agricultural conservation easement” or “easement”
7 means an interest in land, less than fee simple, which represents
8 the right to prevent the development or improvement of the land,
9 as specified in Section 815.1 of the Civil Code, for any purpose
10 other than agricultural production. The easement shall be granted
11 for the California Farmland Conservancy Program by the owner
12 of a fee simple interest in land to ~~a local government, nonprofit~~
13 ~~organization, resource conservation district, or to a regional park~~
14 ~~or open-space district or regional park or open-space authority that~~
15 ~~has the conservation of farmland among its stated purposes, as~~
16 ~~prescribed by statute, or as expressed in the entity’s locally adopted~~
17 ~~policies.~~ *any of the organizations or entities specified in Section*
18 *815.3 of the Civil Code.* It shall be granted in perpetuity as the
19 equivalent of covenants running with the land.

20 ~~SEC. 3:~~

21 *SEC. 8. Section 31013 of the Public Resources Code is*
22 *amended to read:*

23 31013. “Nonprofit organization” means any private, nonprofit
24 organization that qualifies under Section 501(c)(3) of the United
25 States Internal Revenue Code of 1986.

26 ~~SEC. 4:~~

27 *SEC. 9. Section 31116 of the Public Resources Code is*
28 *amended to read:*

29 31116. (a) Funds may be granted to a nonprofit organization
30 under this division if the nonprofit organization enters into an
31 agreement with the conservancy, subject to terms and conditions
32 specified by the conservancy.

33 (b) In the case of a grant for land acquisition, the agreement
34 shall provide all of the following:

35 (1) The purchase price of any interest in land acquired by the
36 nonprofit organization may not exceed fair market value as
37 established by an appraisal approved by the conservancy.

38 (2) The conservancy shall approve the terms under which the
39 interest in land is acquired.

1 (3) The interest in land acquired pursuant to a grant from the
2 conservancy may not be used as security for any debt to be incurred
3 by the nonprofit organization unless the conservancy approves the
4 transaction.

5 (4) The transfer of land acquired pursuant to a conservancy
6 grant shall be subject to the approval of the conservancy and a new
7 agreement sufficient to protect the interest of the people of
8 California shall be entered into with the transferee.

9 (5) If any essential term or condition is violated, title to all
10 interest in real property acquired with state funds shall immediately
11 vest in the state.

12 (6) If the existence of the nonprofit organization is terminated
13 for any reason, title to all interest in real property acquired with
14 state funds shall immediately vest in the state unless another
15 appropriate public agency or nonprofit organization is identified
16 by the conservancy and agrees to accept title to all interests in real
17 property.

18 (c) Any deed or other instrument of conveyance whereby real
19 property is being acquired by a nonprofit organization pursuant to
20 this section shall set forth the reversionary interest of the state.

21 (d) The conservancy shall also require an agreement sufficient
22 to protect the public interest in any improvement or development
23 constructed under a grant to a nonprofit organization for
24 improvement and development of a project under this division.
25 The agreement shall particularly describe any real property that is
26 subject to the agreement, and it shall be recorded by the
27 conservancy in the county in which the real property is located.

28 ~~SEC. 5.~~

29 *SEC. 10.* Section 38505 of the Vehicle Code is amended to
30 read:

31 38505. A person, on and after January 1, 1989, shall not
32 operate, ride, or be otherwise propelled on an all-terrain vehicle
33 on public lands, as described in Section 38001, unless the person
34 wears a safety helmet meeting requirements established for
35 motorcycles and motorized bicycles, pursuant to Section 27802.

36 ~~SEC. 6.~~

37 *SEC. 11.* Section 38506 of the Vehicle Code is amended to
38 read:

1 38506. An operator of an all-terrain vehicle shall not carry a
2 passenger when operating on public lands, as described in Section
3 38001.

4 However, the operator of an all-terrain vehicle, that is designed
5 for operation off of the highway by an operator with no more than
6 one passenger, may carry a passenger when operating on public
7 lands, as described in Section 38001.

8 ~~SEC. 7.~~

9 *SEC. 12.* Section 38600 of the Vehicle Code is amended to
10 read:

11 38600. A person operating a recreational off-highway vehicle
12 on lands, as described in Section 38001, shall be at least 16 years
13 of age, or be directly supervised in the vehicle by a parent or
14 guardian or by an adult authorized by the parent or guardian.

15 ~~SEC. 8.~~

16 *SEC. 13.* Section 38601 of the Vehicle Code is amended to
17 read:

18 38601. A person shall not operate, or allow a passenger in, a
19 recreational off-highway vehicle on public lands, as described in
20 Section 38001, unless the person and the passenger are wearing
21 safety helmets meeting the requirements established for
22 motorcycles and motorized bicycles pursuant to Section 27802.

23 ~~SEC. 9.~~

24 *SEC. 14.* Section 38602 of the Vehicle Code is amended to
25 read:

26 38602. A person operating, and any passenger in, a recreational
27 off-highway vehicle on lands, as described in Section 38001, shall
28 wear a seatbelt and shoulder belt or safety harness that is properly
29 fastened when the vehicle is in motion.

30 ~~SEC. 10.~~

31 *SEC. 15.* Section 38603 of the Vehicle Code is amended to
32 read:

33 38603. (a) A person operating a recreational off-highway
34 vehicle with a model year of 2014 or later on lands, as described
35 in Section 38001, shall not allow a passenger to occupy a separate
36 seat location not designed and provided by the manufacturer for
37 a passenger.

38 (b) Seats that are installed in a separate seat location not
39 designed and provided by the manufacturer for a passenger in a
40 vehicle with a model year of 2013 or earlier on lands, as described

1 in Section 38001, may be occupied by a passenger if the occupant
2 of the seat is fully contained inside of the vehicle’s rollover
3 protection structure at all times while the vehicle is being operated.

4 ~~SEC. 11.~~

5 *SEC. 16.* Section 38604 of the Vehicle Code is amended to
6 read:

7 38604. (a) A person operating a recreational off-highway
8 vehicle on lands, as described in Section 38001, shall not ride with
9 a passenger, unless the passenger, while seated upright with their
10 back against the seatback, can grasp the occupant handhold with
11 the seatbelt and shoulder belt or safety harness properly fastened.

12 (b) For purposes of this chapter, “occupant handhold” means
13 any factory or aftermarket device grasped by an occupant to
14 provide support and to assist in keeping arms and hands within
15 the recreational off-highway vehicle. The steering wheel shall be
16 considered an occupant handhold for the recreational off-highway
17 vehicle operator.

18 (c) Occupant handholds shall be designed to allow the
19 recreational off-highway vehicle passenger to exit the vehicle
20 without interference from the handholds.

21 ~~SEC. 12.~~

22 *SEC. 17.* (a) For purposes of this section, the following terms
23 have the following meanings:

24 (1) “Caltrans” means the—California Department of
25 Transportation.

26 (2) “County” means the County of San Diego.

27 (3) “Department” means the Department of Parks and
28 Recreation.

29 (4) “SDCWA” means the San Diego County Water Authority.

30 (5) “SDCWA mitigation program” means the acquisition and
31 development of sensitive habitat lands for compensatory mitigation
32 purposes for biological resources impacts, in advance of impacts
33 that will result from SDCWA’s future capital projects or
34 maintenance actions, consistent with its Department of Fish and
35 Wildlife-approved Natural Community Conservation Plan.

36 (6) “SR 76” means the State Route 76 highway located in the
37 county.

38 (7) “Parcel 1” means the parcel of property (Assessor Parcel
39 Number 125-080-20) owned by the county, which is a 2.11-acre
40 portion of a 69-acre property located west of the western terminus

1 of 4500 Dulin Road in Fallbrook, California (92028), in the county,
2 purchased for park purposes with the assistance of two million
3 five hundred thousand dollars (\$2,500,000) in grants from the
4 California Clean Water, Clean Air, Safe Neighborhood Parks, and
5 Coastal Protection Act of 2002 (Chapter 1.696 (commencing with
6 Section 5096.600) of Division 5 of the Public Resources Code).

7 (8) “Parcel 2” means the parcel of property (Assessor Parcel
8 Number 125-080-13) owned by Caltrans, which is a 2.11-acre
9 portion of property located at 4141 Pala Road in Fallbrook,
10 California (92028), in the county.

11 (9) “Parcel 3” means the parcel of property owned by SDCWA,
12 which is a 2.76-acre portion consisting of fee and easement over
13 property located in the county on a portion of Assessor Parcel
14 Numbers 125-080-19 and 125-090-36 impacted by Caltrans SR
15 76 highway improvement project.

16 (b) The Legislature finds and declares both of the following:

17 (1) Through a land exchange to be achieved through this act,
18 the county proposes to transfer Parcel 1 to SDCWA because the
19 county cannot utilize the parcel as it is geographically split from
20 the rest of the county’s 67 acres by the San Luis Rey River.
21 SDCWA needs Parcel 1 because it is adjacent to the SDCWA
22 mitigation program.

23 (2) The county further proposes that Caltrans transfer Parcel 2
24 to the county on behalf of SDCWA because Parcel 2 is not needed
25 for transportation purposes but is adjacent to the county’s
26 remaining 67 acres. Caltrans is part of the exchange because it
27 owes SDCWA compensation for receiving Parcel 3 for the
28 construction of the SR 76 highway improvement project.

29 (c) Notwithstanding Chapter 2.5 (commencing with Section
30 5400) of Division 5 of the Public Resources Code, the county may
31 transfer Parcel 1 to SDCWA and the county may accept ~~Caltrans~~
32 *Caltrans’* transfer of Parcel 2 to the county if all of the following
33 conditions are satisfied:

34 (1) The county and Caltrans each provide an independent
35 assessor’s valuation of fair market value, conducted on or after
36 January 1, 2018, of Parcel 1 and Parcel 2, respectively, to the
37 department on or before May 1, 2020.

38 (2) The independent assessor’s valuation of the fair market value
39 of Parcel 2 is the same as or greater than the independent assessor’s
40 valuation of the fair market value of Parcel 1.

1 (3) Caltrans receives the approval of the California
2 Transportation Commission for the transfer to the county of Parcel
3 2 as soon as is practicable.

4 (4) The county signs an agreement with the department on or
5 before March 31, 2020, that includes all of the following
6 provisions:

7 (A) All ongoing obligations of the county connected with Parcel
8 1 in accordance with the California Clean Water, Clean Air, Safe
9 Neighborhood Parks, and Coastal Protection Act of 2002 (Chapter
10 1.656 (commencing with ~~section~~ *Section* 5096.600) of Division 5
11 of the Public Resources Code) and any grant agreements entered
12 into pursuant thereto will be transferred to Parcel 2.

13 (B) The county ensures that Parcel 2 is maintained and operated
14 in perpetuity for park purposes.

15 (5) All costs associated with the transfers of Parcels 1 and 2
16 shall be borne by, or reimbursed by, the county on or before July
17 31, 2020.

18 ~~SEC. 13.~~

19 *SEC. 18.* The Legislature finds and declares that the transfer
20 of state property authorized in ~~Section 12 17~~ of this act does not
21 constitute a sale of state property as set forth in Section 9 of Article
22 III of the California Constitution or subdivision (g) of Section
23 11011 of the Government Code.

24 ~~SEC. 14.~~

25 *SEC. 19.* The Legislature finds and declares that, with respect
26 to ~~Section 12 17~~ of this act, a special statute is necessary and that
27 a general statute cannot be made applicable within the meaning
28 of Section 16 of Article IV of the California Constitution because
29 of the unique circumstances applicable to the lands in the County
30 of San Diego described in ~~Section 12 17~~ of this act.

31 *SEC. 20.* *Section 3 of this act shall become operative only if*
32 *the State of Nevada, by a substantially identical enactment, adopts*
33 *amendments to Article IX of the Tahoe Regional Planning Compact*
34 *as provided in Section 3 of this act.*

35 ~~SEC. 15.~~

36 *SEC. 21.* No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.

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