

SENATE PUBLIC RESOURCES AND ECOLOGY COMMITTEE

MINUTES OF MEETING

WEDNESDAY, MARCH 14, 1973

The meeting was called to order at 1:00 p.m. in emergency session.

Senator Wilson in the chair.

PRESENT: Senator Hecht
Senator Young
Senator Dodge
Senator Bryan
Senator Blakemore

Mrs. Gojack, Assemblywoman

Interested Citizens from the TRPA which list is attached hereto as Exhibit A.

John Meder, representing TRPA, explained the problems which had brought about the request for this emergency meeting. He stated that as a result of some of the activities at Lake Tahoe, he feels the agency does not have the authority to cope with the problem.

He presented a resolution from the TRPA, which resolution is attached hereto as Exhibit B.

Dick Heikka, Executive Director of TRPA, presented three maps to the committee showing the traffic congestion problems at the Lake. The volume of traffic on a given day, broken down on an average's days travel during the peak month, the area would average 46,000 cars a day, on Highway 50, this is the vicinity of State Line and back up for 6 miles. Now the peak is still up to 38,000 cars and 90% of the cars are local cars.

A minor by-pass area which has been built, called Van Sickle Avenue, has an average of 10,000 cars a day.

He stated that traffic on Highway 50 is basically coming to a stop the congestion is so acute.

The maps which were presented are herewith marked Exhibit C and made a part of this record.

It was further stated that Harrah's Club has approval for an additional 500 rooms. A total of 5500 new hotel rooms for this area have been proposed. The existing housing for staff members for the hotels is severe at this time.

They stated that at the present time sewage is not a problem, but water is being used a a wasteful manner and this could well be a problem in the future.

There are at the present time 7500 existing motel rooms. The members stated that they have virtually no authority to curtail any development under the present laws.

In answer to Senator Dodge's question as whether or not the possibility of making a toll road in the area could be accomplished. The answer was yes that a study was being made in this regard and this study will be completed within the next fiscal year. This would be to help fund this agency.

Senator Wilson asked if they were requesting a reinstatement of the old NTRPA and the answer was yes. There was some question as to whether or not TRPA had any jurisdiction to limit gaming. They were requesting some enabling legislation in order to correct some of the shortcomings.

The committee appearing before the Senate Ecology Committee spoke of some urgency in passing this enabling legislation.

Senator Blakemore inquired as to why there was such a need for speed in passing the legislation when obviously the problem had been going on for some time.

The TRPA committee indicated that in six days there was to be a hearing regarding granting permission for additional rooms for some of the gaming houses.

Motion by Senator Dodge for committee approval of the introduction of this proposed legislation, seconded by Senator Hecht, carried unanimously.

This portion of the meeting was adjourned until Monday, March 19, at the hour of 7:00 p.m.

Respectfully submitted


Mae Lofthouse, Secretary

APPROVED:

Senator Wilson, Chairman

3-14-71

Ecology

Name

Who Representing

Dick Hansen

TRPA (Nevada members)

KAY TRISLER

TRPA " "

Norman Hall

Dept Cons. & NR

Ken Peyton

Sacramento Bill

Dick Heikka

Ex. Dir. T.R.P.A.

PETE HOLLICK

TRPA

WALT MACKENZIE

TRPA WASHOE COUNTY

Wade Jensen

NRA & NB-SPC

Joe Midmore

Builders Assoc of N. Nevada

WHEREAS, studies by governmental agencies disclose that serious conditions affecting the environment and detrimental to the safety, health, and welfare of the public living in and using the Nevada portion of the Tahoe region are in need of immediate correction and control; and

WHEREAS, existing roads and transportation facilities at times cannot handle present public needs and at times are so inadequate as to prevent the proper functioning of police, fire and emergency health vehicles; and

WHEREAS, further expansion of recreational resorts and other developments will create intolerable conditions adversely affecting the environment and preventing any reasonable use or enjoyment of the Nevada portion of the Tahoe region; and

WHEREAS, there is no agency of Nevada State government with authority and jurisdiction to adopt and enforce the environmental controls necessary to correct the said deficiencies and inadequate conditions mentioned above.

NOW, THEREFORE, BE IT RESOLVED that the Senate Committee for Ecology and Public Resources consider the conditions mentioned herein and what may be done or enacted to protect the environment and provide for more orderly development and use of the Nevada portion of the Tahoe region.

The foregoing resolution was adopted by a majority of the Nevada members of the governing body of the Tahoe Regional Planning Agency on the 13th day of March, 1973.

Senate Bill No. 32—Senator Swobe

CHAPTER 52

AN ACT relating to the Lake Tahoe basin; establishing an ~~interim~~ regional planning agency; ~~containing the authority of the state department of conservation and natural resources to acquire property by condemnation~~ making an appropriation; providing penalties; and providing other matters properly relating thereto.

[Approved February 19, 1969]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 37, inclusive, of this act.

SEC. 2. *The legislature finds and declares that:*

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

2. *By virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.*

3. *There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, and to preserve the scenic beauty and recreational opportunities of the region.*

4. *For the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions.*

SEC. 3. *As used in sections 2 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 9, inclusive, of this act have the meanings ascribed to them in sections 4 to 9, inclusive, of this act.*

SEC. 4. *"Agency" means the Nevada Tahoe regional planning agency.*

SEC. 5. *"Governing body" means the governing body of the agency.*

SEC. 6. *"Interim plan" means the plan adopted pending adoption of the regional plan.*

SEC. 7. *"Planning commission" means the advisory planning commission.*

SEC. 8. *"Region" includes Lake Tahoe and the adjacent parts of the counties of Douglas, Ormsby, and Washoe lying within the Tahoe Basin in the State of Nevada. The region defined and described in this section shall be precisely delineated on official maps of the agency.*

SEC. 9. *"Regional plan" means the long-term general plan for the development of the region.*

SEC. 10. 1. *The Nevada Tahoe regional planning agency is hereby created as a separate legal entity.*

2. *The governing body of the agency shall consist of:*

(a) *Three members appointed respectively by the boards of county commissioners of Douglas, Ormsby, and Washoe counties. Any member*

so appointed shall be a resident of the county from which he is appointed and may be, but is not required to be:

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

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

(b) One member appointed by the governor of Nevada, who shall not be a resident of the region and shall represent the public at large.

(c) The director of the state department of conservation and natural resources or his designee.

SEC. 11. The term of office of the members of the governing body shall be at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years.

SEC. 12. The position of a member of the governing body is vacated upon his loss of any of the qualifications required for his appointment, and the appointing authority shall appoint a successor.

SEC. 13. The members of the agency shall serve without compensation, but are entitled to receive the per diem expense allowances and travel expenses provided by law for county and state employees, respectively. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by sections 2 to 36, inclusive, of this act, unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

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

SEC. 15. 1. The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law applicable to local governments at the time such meeting is held.

2. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date oftener than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

3. Notice of any special meeting, except an emergency meeting, shall

be given by so publishing the date, place and agenda at least 5 days prior to the meeting.

SEC. 16. 1. A majority of the members of the governing body constitute a quorum for the transaction of the business of the agency. A majority vote of the members present shall be required to take action with respect to any matter. The vote of each member of the governing body shall be individually recorded.

2. The governing body may in other respects adopt its own rules of procedure.

SEC. 17. 1. The agency shall establish and maintain an office within the region. The agency may rent ~~or own~~ property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of the State of Nevada shall be open to inspection and copying during regular office hours.

2. The agency shall be deemed to be a local government for the purposes of the Local Government Budget Act.

SEC. 18. The agency shall appoint an advisory planning commission, which shall include but shall not be limited to:

1. The chief planning officers of the counties of Douglas, ^{CARSON CITY} Ormsby and Washoe;

2. The county health officer of Douglas County or his designee;

3. The county health officer of Washoe County or his designee;

4. The chief of the bureau of environmental health of the health division of the department of health, welfare and rehabilitation or his designee;

5. The executive officer of the Nevada Tahoe Regional Planning Agency, who shall act as chairman; and

6. At least two lay members, each of whom shall be a resident of the region.

SEC. 19. 1. The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and may employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under sections 2 to 36, inclusive, of this act or in accordance with any intergovernmental contracts or agreements which the agency may be responsible for administering.

2. The agency is a public employer for the purposes of chapter 286 of NRS, and a public agency for the purposes of chapter 287 of NRS.

SEC. 20. 1. In preparing each of the plans required by sections 21 to 24, inclusive, of this act and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing, which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subsection shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

2. The planning commission shall then recommend such plan or

amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in subsection 1.

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

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

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

the governing body shall complete its action on such amendment within 60 days after such request is delivered to the agency.

SEC. 21. Within 9 months after the formation of the agency, the planning commission shall recommend a regional plan. Within 12 months after the formation of the agency, the governing body shall adopt a regional plan. After adoption, the planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram or diagrams and text or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

SEC. 22. The regional plan shall include the following correlated elements:

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

2. A transportation plan for the integrated development of a regional system of transportation, including but not limited to freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

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

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

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

SEC. 23. 1. In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall

seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect, or are concerned with planning and development within, the region.

2. Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region but contiguous to its boundaries.

3. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private individuals.

SEC. 24. Within 60 days after the formation of the agency, the planning commission shall recommend a regional interim plan. Within 90 days after the formation of the agency, the governing body shall adopt a regional interim plan. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it by sections 2 to 36, inclusive, of this act.

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

SEC. 26. 1. The governing body shall adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional and interim plans. Every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the ~~state~~ and any political subdivision may adopt and enforce an equal or higher standard applicable to the same subject of regulation in its territory. *© SENTINEL OF CALIFORNIA*

2. The regulations shall contain general, regional standards, including but not limited to the following:

- (a) Water purity and clarity;
 - (b) Subdivision;
 - (c) Zoning;
 - (d) Tree removal;
 - (e) Solid waste disposal;
 - (f) Sewage disposal;
 - (g) Land fills, excavations, cuts and grading;
 - (h) Piers, harbors, breakwaters, channels and other shoreline developments;
 - (i) Waste disposal in shoreline areas;
 - (j) Waste disposal from boats;
 - (k) Mobile-home parks;
 - (l) House relocation;
 - (m) Outdoor advertising;
 - (n) Flood plain protection;
- Attest*

* No such ordinance, rule, regulation or policy shall be in conflict with any ordinance, rule, regulation or policy adopted by the Tahoe Regional Planning Agency but the governing body may adopt and enforce an equal or higher standard applicable to the same subject of regulation.

(o) Soil and sedimentation control;

(p) Air pollution; and

(q) Watershed protection.

3. Whenever possible without diminishing the effectiveness of the interim plan or the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the interim or regional plan.

SEC. 27. 1. Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region.

~~2. Except an ordinance adopting or amending the interim plan or the regional plan, an ordinance shall become effective not less than 60 days after its adoption.~~

2-3. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

SEC. 28. Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 12 months after the formation of the agency.

~~[SEC. 29. Every plan, ordinance, rule, regulation or policy adopted by the agency shall recognize as a permitted and conforming use any business or recreational establishment which is required by law of this state to be individually licensed by the state, if such business or establishment:~~

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

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

SEC. 30. 291. All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the counties. The appropriate courts of this state, each within its limits of territory and subject matter provided by law, are vested with jurisdiction over civil actions to which the agency is a party and criminal actions for violations of its ordinances.

2. The agency shall police the region to ensure compliance with the general plan and adopted ordinances, rules, regulations and policies. If it is found that the general plan, or ordinances, rules, regulations and policies, are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

SEC. 30. 302. Violation of any ordinance of the agency is a misdemeanor.

SEC. 31. 1. Every public works project proposed to be constructed within the region shall be submitted to the agency for its review and recommendation as to conformity with the regional or interim plan.

2. Except as provided in subsection 3, a public works project shall not be constructed unless it has been approved by the agency.

3. If the public works project is proposed and is to be constructed by a department of this state, the agency shall submit its recommendations

to the executive head of the department and to the governor, but the project may be constructed as approved by the executive head of the department.

SEC. 33. Whenever under the provisions of section 32 of this act or any ordinance, rule, regulation or policy of the agency, the agency is required to review or approve any proposal, public or private, the agency shall take final action upon whether to approve, to require modification or to reject such proposal within 60 days after such proposal is delivered to the agency. If the agency does not take final action within 60 days, the proposal shall be deemed approved.

SEC. 34.331. The agency may initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

2. Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

SEC. 35.4 1. The agency may fix and collect reasonable fees for any services rendered by it.

2. The agency shall be strictly accountable to all participating bodies for all receipts and disbursements.

3. The agency may receive gifts, donations, subventions, grants and other financial aids and funds.

SEC. 36.5 1. It is unlawful for any member of the governing body of the agency to be interested, directly or indirectly, in any contract made by him, or be a purchaser or be interested, directly or indirectly, in any purchase of a sale made by him in the discharge of his official duties.

2. All contracts made in violation of subsection 1 may be declared void at the instance of the agency, or of any other party interested in such contract, except the member prohibited from making or being interested in such contract.

3. Any person who violates the provisions of this section is guilty of a gross misdemeanor and shall forfeit his office.

SEC. 37.1. ~~In the region of this state for which there has been~~

The jurisdiction of local governments have authority within the Tahoe region shall be subordinate to the authority conferred by this Act upon the Nevada Tahoe Regional Planning Agency. The authority of local governments within the Tahoe region may be exercised only to the extent that it does not conflict with any ordinance, rule, regulation, or policy adopted by the Nevada Tahoe Regional Planning Agency.

SEC. 38.7 Chapter 244 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the region of this state for which there has been created by sections 2 to 36, inclusive, of this act a regional planning agency, the powers of a county for the location and construction of all public works are subordinate to the powers of such regional planning agency.

SEC. 39.5 Chapter 266 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the region of this state for which there has been created by sections 2 to 36, inclusive, of this act a regional planning agency, the powers of a city incorporated under this chapter for the location and construction of all public works are subordinate to the powers of such regional planning agency.

SEC. 40 Chapter 267 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the region of this state for which there has been established by sections 2 to 36, inclusive, of this act a regional planning agency, the powers of a city organized under this chapter with respect to the location and construction of all public works are subordinate to the powers of such regional planning agency.

SEC. 41 Chapter 268 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the region of this state for which there has been established by sections 2 to 36, inclusive, of this act a regional planning agency, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to the powers of such regional planning agency.

SEC. 42 Chapter 269 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the region of this state for which there has been established by sections 2 to 36, inclusive, of this act a regional planning agency, the powers of an unincorporated town for the location and construction of all public works are subordinate to the powers of such regional planning agency.

SEC. 43.2 Chapter 309 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the region of this state for which there has been established by sections 2 to 36, inclusive, of this act a regional planning agency, the powers of any district organized or reorganized under this chapter with respect to the location and construction of all improvements are subordinate to the powers of such regional planning agency.

SEC. 44.3 Chapter 318 of NRS is hereby amended by adding thereto a new section which shall read as follows:

In the region of this state for which there has been established by sections 2 to 36, inclusive, of this act a regional planning agency, the powers of any district organized, reorganized or required to reorganize under this chapter with respect to the location and construction of all improvements are subordinate to the powers of such regional planning agency.

SEC. 45.1 There are hereby appropriated from the general fund in the state treasury for the support of the Nevada Tahoe regional planning agency the sums of:

| | | | |
|--|-------|----------|------|
| (a) For the fiscal year ending June 30, 1969 | | \$20,000 | 30.7 |
| (b) For the fiscal year ending June 30, 1970 | | \$25,000 | 37.4 |
| (c) For the fiscal year ending June 30, 1971 | | \$25,000 | 73.3 |

2. The agency shall not encumber any unexpended balance of an appropriation for any fiscal year after the end of that fiscal year or the date of expiration of this act, whichever is earlier. Any such unexpended balance shall revert to the general fund 60 days after the date from which no further encumbrances may be made.

~~3. For each of the fiscal years ending respectively June 30, 1970, and June 30, 1971, each of the counties of Douglas, Ormsby and Washoe shall contribute for the support of the Nevada-Tahoe Regional Planning Agency the proportion of \$25,000 which the full cash value of taxable property within the region, as defined in section 8 of this act, bears to the full cash value of all taxable property within the region.~~

~~SEC. 16. Section 2 of chapter 11, Statutes of Nevada 1964, as amended by section 1 of chapter 121, Statutes of Nevada 1965, at page 219, is hereby amended to read as follows:~~

~~Section 2. 1. Notwithstanding the provisions of any other statute, and subject to the limitations contained in this act, the state department of conservation and natural resources, with the consent of the governor, may acquire real and personal property by exchange, lease, gift, grant, devise, purchase or by one or more condemnation proceedings brought in the name of the State of Nevada, and title to or any interest in real and personal property lying within the following described areas of Washoe, [and] Ormsby and Douglas Counties, Nevada, which the department deems necessary and proper for the extension, improvement or development of the state park system:~~

~~T. 16 N., R. 18 E.~~

~~Sec. 25, all;~~

~~Sec. 26, NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Lot 2 of NW $\frac{1}{4}$, Lot 3 of SW $\frac{1}{4}$, Lots 4 and 5 of SE $\frac{1}{4}$;~~

~~Sec. 35, E $\frac{1}{2}$ E $\frac{1}{2}$, Lots 1 and 2 of NE $\frac{1}{4}$, Lots 3 and 4 of SE $\frac{1}{4}$;~~

~~Sec. 36, all.~~

~~T. 16 N., R. 19 E.~~

~~Sec. 19, E $\frac{1}{2}$, Lot No. 1 of NW $\frac{1}{4}$, Lot No. 1 of SW $\frac{1}{4}$;~~

~~Sec. 20, all;~~

~~Sec. 28, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$;~~

~~Sec. 29, all;~~

~~Sec. 30, E $\frac{1}{2}$, Lots No. 1 and No. 2 of NW $\frac{1}{4}$, Lots No. 1 and No. 2 of SW $\frac{1}{4}$.~~

~~T. 15 N., R. 18 E.~~

~~Sec. 1, Lot No. 2 of NE $\frac{1}{4}$;~~

~~Sec. 2, Lots No. 1 and No. 2 of NE $\frac{1}{4}$, Lots 1, 2, 3 of NW $\frac{1}{4}$, SE $\frac{1}{4}$, Lots 4 and 5 of SW $\frac{1}{4}$;~~

~~Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$;~~

~~Sec. 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$;~~

~~Sec. 14, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Lots 3 and 4 of SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$;~~

~~Sec. 22, all of fractional SE $\frac{1}{4}$;~~

~~Sec. 23, all of fractional section;~~

~~Sec. 24, all;~~

Sec. 25, all;
 Sec. 26, all;
 Sec. 27, all of fractional section;
 Sec. 33, Ormsby County, all of Lot 1 of SE $\frac{1}{4}$;
 Sec. 34, Ormsby County, all of fractional section;
 Sec. 35, Ormsby County, all;
 Sec. 36, Ormsby County, all.

T. 15 N., R. 19 E.

Sec. 4, Lots No. 1 and No. 2 of NE $\frac{1}{4}$, Lots No. 1 and No. 2 of NW $\frac{1}{4}$;
 Sec. 5, Lot No. 2 of NE $\frac{1}{4}$, Lots No. 1 and No. 2 of NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 6, Lots No. 1 and No. 2 of NE $\frac{1}{4}$, SE $\frac{1}{4}$, Lots No. 1 and No. 2 of NW $\frac{1}{4}$, N $\frac{1}{2}$ of Lot No. 1 of SW $\frac{1}{4}$;
 Sec. 7, N $\frac{1}{2}$ of Lot No. 2 of NW $\frac{1}{4}$, Lot No. 1 of NW $\frac{1}{4}$;
 Sec. 19, Lots No. 1 and No. 2 of SW $\frac{1}{4}$;
 Sec. 30, Lot No. 2 of NW $\frac{1}{4}$.

T. 14 N., R. 18 E.

Those portions of Sections 1 and 2 lying northerly and easterly of State Route 28 and northerly and westerly of State Route 3 (U.S. 50), in Douglas County.

T. 14 N., R. 19 E.

Those portions of Sections 5 and 6 lying northerly and easterly of State Route 28 and northerly and westerly of State Route 3 (U.S. 50), in Douglas County.

All range references are to the Mount Diablo Base and Meridian.

2. The state department of conservation and natural resources shall not acquire any real or personal property lying within the areas of Washoe, [and] Ormsby and Douglas Counties, Nevada, described in subsection 1, by exchange, lease, purchase or by condemnation proceedings unless a portion of such real or personal property is contiguous to property owned or leased by the State of Nevada.

3. Before acquiring any real or personal property by exchange, lease or purchase, or before commencing a condemnation proceeding for acquisition, the state department of conservation and natural resources shall cause an appraisal to be made by [three qualified, disinterested appraisers, at least two of whom shall be members of the American Institute of Real Estate Appraisers,] *at least one qualified, disinterested appraiser* to determine the fair market value of such real or personal property. *With the approval of the governor and the attorney general, the director of the department may employ one or two additional qualified, disinterested appraisers for this purpose.* The department may acquire such real or personal property by exchange, lease or purchase for a price in excess of the fair market value so determined only after the state board of examiners finds, after conducting a public hearing, that such property is an integral part of and essential to the extension, improvement or development of the state park system and that such acquisition is in the best interest of the state. Notice of the public hearing shall be given by one publication in a newspaper printed in and having a general circulation in the county in which the property proposed to be acquired is located at least 20 days prior to the date set for the public hearing and shall contain:

- (a) The legal description of the property to be acquired;
- (b) The amount of the fair market value;
- (c) The price the department proposes to pay for such property; and
- (d) The date, time and place of the public hearing.

4. Proceedings for the condemnation of any real or personal property or any interest therein shall be taken under the provisions of chapter 37 of NRS relating to eminent domain, but no such proceedings shall be commenced by the state department of conservation and natural resources after ~~January 1, 1969.~~ May 1, 1971. Nothing herein contained shall be construed to affect any such proceedings which are pending on ~~January 1, 1969.~~ May 1, 1971. The department shall not commence any such proceedings unless:

(a) The provisions of subsection 3 relating to appraisals have been complied with;

(b) There is in the state parks and outdoor recreation acquisition and development fund an unencumbered balance which together with funds firmly committed for this purpose from competent private sources and from the Federal Land and Water Conservation Fund Act of 1964 (Public Law 88-578 (78 Stat. 897)), is equal to at least 120 percent of the fair market value of the property to be condemned as established by the required appraisal; and

(c) The director of the state department of conservation and natural resources has issued a declaration declaring that public interest and necessity require acquisition by the State of Nevada of the property of interest therein, described in the declaration, and that such acquisition is necessary and proper for the extension, improvement or development of the state park system.

5. The declaration of the director of the state department of conservation and natural resources shall be prima facie evidence:

(a) Of the public necessity of such proposed acquisition.

(b) That such real or personal property or interest therein is necessary therefor.

(c) That such proposed acquisition is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

6. Nothing in this section shall be construed to limit the department in the exercise of the power of eminent domain herein granted to but one condemnation proceeding, it being the intention of the legislature that one or more such proceedings may, if necessary, be instituted for the acquisition of title to or any interest in real and personal property.

7. All legal actions in all courts brought under the provisions of this section to enforce the power of eminent domain shall take precedence over all other causes and actions not involving the public interest, to the end that all such actions, hearings and trials thereon shall be quickly heard and determined.

~~Sec. 48.5~~ 1. This act shall become effective upon passage and approval.

~~2. Sections 1 to 44, inclusive, of this act shall expire by limitation upon the day when the governors of California and Nevada convene the~~

governing body of the Tahoe Regional Planning Agency for its organization pursuant to the Tahoe Regional Planning Compact, but such expiration shall not affect:

(a) The validity of any ordinance, plan or regulation adopted by the Nevada Tahoe regional planning agency until it is specifically superseded by an ordinance, plan or regulation of the Tahoe Regional Planning Agency.

(b) Any contract made or legal proceeding undertaken by or against the Nevada Tahoe regional planning agency.

3. The Tahoe Regional Planning Agency may assume the benefits and obligations of any such contract, unless the contract otherwise provides, and may be substituted as a party in any such legal proceeding.

SEC. 48. If, at any time after sections 1 to 44, inclusive, of this act have expired by limitation, the State of California or the State of Nevada withdraws from the Tahoe Regional Planning Compact, sections 1 to 44, inclusive, of this act shall be revived on the effective date of such withdrawal, and shall thereafter be in full force and effect.

Senate Bill No. 23—Senator Farr

CHAPTER 53

AN ACT to amend NRS 169.125, relating to peace officers, by including within the definition of peace officers the state fire marshal and his deputies.

[Approved February 20, 1969]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 169.125 is hereby amended to read as follows:
169.125 "Peace officer" includes:

1. The bailiff of the supreme court;
 2. Sheriffs of counties and their deputies;
 3. Constables;
 4. Personnel of the Nevada highway patrol when exercising the police powers specified in NRS 481.150 and 481.180;
 5. The inspector or field agents of the motor carrier division of the department of motor vehicles when exercising the police powers specified in NRS 481.049;
 6. Marshals and policemen of cities and towns;
 7. Parole and probation officers;
 8. Special investigators employed by the office of any district attorney or the attorney general;
 9. Arson investigators for fire departments specially designated by the appointing authority; [and]
 10. Members of the University of Nevada police department [];
- and
11. The state fire marshal and his deputies.

SEC. 2. This act shall become effective upon passage and approval.