

SENATE NATURAL RESOURCES COMMITTEE

MINUTES OF MEETING  
Monday, April 11, 1977

The eighteenth meeting of the Natural Resources Committee was called to order on the above date at 2:10 p.m.

Senator Gary Sheerin was in the Chair.

PRESENT: Chairman Sheerin  
Senator Echols  
Senator Lamb  
Senator Dodge  
Senator Neal  
Senator Glaser

OTHERS PRESENT to contribute with technical input included:

John Gianotti, Harrah's  
Dick Heikka, TRPA  
John Meder, State Parks  
Bob Stewart, Office of the Governor  
Milt Manoukian, attorney representing individuals

Chairman Sheerin announced the purpose of the meeting was to discuss Tahoe Regional Planning Agency bills from a technical standpoint.

Chairman Sheerin reported briefly on a second meeting he attended with people from California, Thursday, April 7, in Carson City. Among those present were: Clair Detrick, head of Governor Brown's Department of Conservation; Jim Burns, representative on TRPA; California Assemblyman Gualco; Carol Amarato, Governor Brown's appointee to the TRPA; Bob Stewart, Governor O'Callaghan's office; Nevada Assemblyman Jacobsen; Bruce Arkell, Governor O'Callaghan's office; and Nevada Senator Sheerin.

Senator Sheerin said in trying to come to some kind of consensus between the two states as what should be done, there is now somewhat of an empassé. He said California is not trying to tell Nevada what to do; they are legitimately concerned about the Lake. Basically the empassé comes from two kinds of problems on each side of the Lake: The gaming problem in Nevada; and in California there is the problem around the Lake of thousands of landowners and thousands of acres of land.

SB 266      Restricts gaming to certain areas under control of Tahoe Regional Planning Agency.

Senator Dodge made a motion to settle efforts on SB266 as far as processing a bill.

Senator Lamb seconded the motion.

Aye: Senator Echols  
Senator Dodge  
Senator Lamb  
Senator Neal  
Senator Glaser

Nay: Chairman Sheerin

Issues of the bill were taken step by step.

Senator Glaser moved to insert on Page 2, line 39, words "dog racing and horse racing" after word "include."  
Senator Neal seconded the motion.

Aye: Senator Sheerin	Nay: Senator Echols
Senator Neal	Abstaining: Senator Dodge
Senator Glaser	

Motion carried.

Senator Dodge moved that language be adopted as proposed on Page 3 of SB266.

Senator Glaser seconded the motion.

Aye: Senator Glaser	Nay: Senator Echols
Senator Lamb	
Senator Neal	
Senator Sheerin	
Senator Dodge	

Motion carried.

In reply to a question by Senator Dodge as to accepting definition of "gaming" on Page 2, it was thought that language to be acceptable.

Next issue discussed concerned Advisory Planning Commission, Pages 4 and 5.

Senator Neal moved that language be adopted.  
Senator Lamb seconded the motion.  
Motion carried unanimously.

Discussion of a new subsection (d) concerning "employee immunity" to be added at the bottom of Page 5, language taken from SB265, Page 6, line 36, subsection (d).

Senator Dodge moved tentative approval subject to Committee's satisfaction that the state will not be involved.

Senator Lamb seconded the motion.  
Motion carried unanimously.

Pages 6 and 7 concerning interim plan language. The bill drafter has done away with the interim plan because the general plan is complete. California people suggested that the interim plan language should remain in the Compact as it exists.

Senator Neal moved to take out the brackets, leaving in interim plan wherever referred to.  
Senator Dodge seconded the motion.  
Motion carried unanimously.

Senator Glaser moved to retain present language in the bill at top of Page 8.  
Senator Lamb seconded the motion.

Discussion followed.

Senator Glaser withdrew the motion.

Senator Glaser moved adoption of the language in italics in SB266 at top of Page 8.  
Senator Dodge seconded the motion.  
The motion carried unanimously.

Reference was made to the Public Works provision in SB265, Page 10, lines 31-33.

Senator Dodge moved that language be approved and added to SB266.  
Motion died.

Chairman Sheerin said there are four different areas in which property descriptions have to be corrected.

Dual majority was discussed as written in SB266, Page 14, lines 10-23.

Senator Dodge moved to approve the affirmative dual majority as proposed in SB266.

Senator Lamb seconded the motion.

Aye:	Senator Lamb	Nay:	Senator Sheerin
	Senator Dodge		Senator Echols
	Senator Neal		
	Senator Glaser		

Motion carried.

Civil liability versus criminal liability, SB266, Page 13, lines 30-37.

Senator Dodge moved the provision of fines be remodified to do away with the \$10,000 fine in favor of a daily \$500 fine, the money to be put in the general fund of the state where violation occurs.

Senator Glaser seconded the motion.

Aye:	Senator Echols	Nay:	Senator Sheerin
	Senator Dodge		
	Senator Neal		
	Senator Glaser		

Motion carried.

In SB266, Page 14, line 4, it was requested by California through Bob Stewart, that "Legislative Analyst" be changed to "Controller of the State of California."

Senator Neal so moved.  
Senator Glaser seconded the motion.  
Motion carried unanimously.

Next issue discussed was the three year "killer clause," on Page 14, commencing at line 23.

Senator Dodge moved to adopt a provision as provided by Fran Breen, attorney, with addition of some clarifying language. (Entered in record, attached EXHIBIT "A".)  
Senator Neal seconded the motion.

Aye: Senator Dodge  
Senator Sheerin  
Senator Neal  
Senator Glaser

Nay: Senator Echols

Motion carried.

The discussion was carried back to Page 12, the gaming language.

Senator Glaser requested additional language be written at the bottom of Page 12 which would state additional gaming should be subject to review. He suggested amending out line 46, following the comma, commencing with "if the expansion..." and replacing it with "subject to review by bi-state agency and applicable state laws" which is the wording in SB267. Senator Glaser offered the following verbage to be used: "in the areas described gaming shall be permitted as a conforming use, and a gaming use shall be permitted to expand within the area subject to present conforming construction limitations, and review and recommendation by the agencies, and subject to applicable state law." The proposed amendment was changed somewhat by those present.

Bob Stewart said California people had requested a change of the budget date on Page 14, line 30, SB266. The December 30 date would be changed to September 1.

Senator Glaser moved for that change.  
Senator Dodge seconded the motion.  
Motion carried unanimously.

Senator Glaser moved the conceptual language concerning "red lining" be accepted and amended into SB266.  
Motion died.


Chairman Sheerin asked that SB468, an appropriation to buy land, be reviewed.

Senator Dodge moved SB468 be referred to Finance Committee without recommendation.  
Senator Glaser seconded the motion.  
Motion carried unanimously.

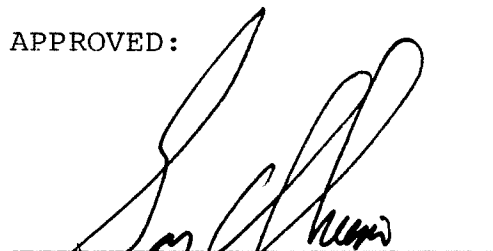
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There being no further business, the meeting was adjourned at  
5:45 p.m.

Respectfully submitted

  
Billie Brinkman, Secretary

APPROVED:

  
Gary A. Sheerin, Chairman

*Exhibit "A"*

BREEN, YOUNG, WHITEHEAD & HOY

CHARTERED

ATTORNEYS AND COUNSELLORS AT LAW

232 COURT STREET

RENO, NEVADA 89501

AREA CODE 702 786-7600

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OR 882-6790

Memorandum to: Senator Gary Sheerin

March 25, 1977

*Kills clause  
amendment*

Dear Gary:

Pursuant to our conversation last week, I would suggest the following amendment to SB266 or SB267; the amendment should appear on page 14, line 23 of 266, and it would appear on page 15, line 1 of 267:

"Approval by the agency of any construction project expires 3 years after the date of final action by the agency or the effective date of this amendatory provision, whichever is later, unless construction is begun within that time. In computing the 3 year period all periods of time that the construction project has been in litigation, which litigation was for the purpose of stopping or modifying the construction project, shall not be counted; provided further that all permits, licenses or certificates which have an expiration date shall be extended by all period of time that the construction project has been involved in such litigation."

*to diligently pursue thereafter.*

With this amendment the incentive is removed for groups to commence litigation knowing that the project cannot be financed as long as litigation is pending. This would mean that the grading permits, building permis, air registration certificates, and any other licenses or per mits would not expire while litigation was pending.

*Breen*

SENATE BILL NO. 266—COMMITTEE ON ENVIRONMENT,  
PUBLIC RESOURCES AND AGRICULTURE

FEBRUARY 24, 1977

Referred to Committee on Environment, Public Resources  
and Agriculture

SUMMARY—Restricts gaming to certain areas under control of Tahoe Regional  
Planning Agency. (BDR 22-1002)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: No.

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

AN ACT relating to the Tahoe Regional Planning Agency; restricting certain gaming activities to certain places within the area under the control of the agency; providing changes in the composition of the agency's governing body; providing certain civil penalties; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 277.200 is hereby amended to read as follows:  
2 277.200 The Tahoe Regional Planning Compact is as follows:  
3  
4 Tahoe Regional Planning Compact  
5  
6 ARTICLE I. Findings and Declarations of Policy  
7  
8 (a) It is found and declared that the waters of Lake Tahoe and other  
9 resources of the Lake Tahoe region are threatened with deterioration or  
10 degeneration, which may endanger the natural beauty and economic  
11 productivity of the region.  
12 (b) It is further declared that by virtue of the special conditions and  
13 circumstances of the natural ecology, developmental pattern, population  
14 distribution and human needs in the Lake Tahoe region, the region is  
15 experiencing problems of resource use and deficiencies of environmental  
16 control.  
17 (c) It is further found and declared that there is a need to maintain  
18 an equilibrium between the region's natural endowment and its manmade  
19 environment, to preserve the scenic beauty and recreational opportunities  
20 of the region, and it is recognized that for the purpose of enhancing the

Original bill is 16 pages long.  
Contact the Research Library for  
a copy of the complete bill.