

The subcommittee meeting was called to order at 4:02 p.m.  
Senator Neal in the Chair.

MEMBERS

PRESENT: Senator Joe Neal, Chairman  
Senator Wilbur Faiss  
Senator Mike Sloan

OTHERS

PRESENT: Senator Norman Glaser  
Senator Lawrence Jacobsen  
Mr. Fred Welden, Senior Research Analyst, Legislative  
Council Bureau  
Mr. Frank Daykin, Legislative Counsel

The subcommittee met to review and compare A.B. 503 as introduced by the Assembly, A.B. 503 as amended by the Assembly, and the California Senate Bill 82 as amended by the California Assembly, all dealing with the Tahoe Regional Planning Agency negotiated compact. Fred Welden prepared a mark-up showing the sections of each bill side-by-side.

Before the review began, Senator Sloan asked Frank Daykin for his opinion on the provision in the Assembly-amended version of A.B. 503 which parallels the Nevada Administrative Procedures Act in regard to constraints on judicial review. He asked if that is primarily patterned after the federal administrative procedures act. Mr. Daykin replied that they are closely patterned.

Senator Sloan asked Mr. Daykin if the language on lines 46 - 47 regarding a person aggrieved by a final action of the agency being entitled to judicial review would preclude future intervention by an interested public citizen organization, and is that a narrowing of standing concepts or not. Mr. Daykin replied that ordinarily a person aggrieved by the action of an agency is a person who has a direct stake in the outcome. But, he supposed that if a person or organization has intervened before the agency and been recognized as a party in the administrative proceeding in the same way it would be in the judicial proceeding, he might appeal from that action as a person aggrieved. It would turn on whether the interested group had been a party before the agency. He was not aware of any particular judicial precedent. This language, therefore, would not narrow anything established by the case law.

Senator Sloan remarked that lines 36 - 37 states "each such action shall be brought in a court sitting within the state." He asked if that language would include the federal court for the district of California if the property were in California, and the federal district court in Nevada if the property in question were in Nevada. Mr. Daykin replied that it would. The purpose of the amendment was to substitute language so that it clearly refers to state and federal court and specifies in which federal court the

Date: April 25, 1979

Page: Two

action must be brought. It would not just be limited to state courts.

The subcommittee then reviewed Pages 1 - 11 of the mark-up prepared by Fred Welden and agreed to meet with the leadership to review the mark-up further.

There being no further business, the meeting was adjourned at 6:00 p.m.

Respectfully submitted,

  
Eileen Wynkoop  
Committee Secretary

APPROVED:

  
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Joe Neal, Chairman