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RECOMMENDATION PROMOTING EFFECTIVE LEGISLATIVE OVERSIGHT BY CONCURRENT RESOLUTION VERSUS SENATE BILL 216

TRPA supports the unanimous recommendation of the last interim Lake Tahoe oversight committee for adoption of a **concurrent resolution** (copy attached) to re-establish the committee on an interim, non-statutory basis.

Senate Bill 216 ignores the recommendation of the last oversight committee by creating a new permanent committee for TRPA and Southern Nevada water and power issues. Senate Bill 216's combination of oversight roles will produce unintended consequences:

1. Senate Bill 216 reduces and subordinates effective oversight of Lake Tahoe by adding review of highly controversial and dominating Southern Nevada water and power issues.
2. Senate Bill 216 restricts review of Lake Tahoe issues exclusively to TRPA. Past committees have productively used express authority in the concurrent resolutions to oversee the integrated effort of all federal, state and local entities responsible for saving Lake Tahoe.
3. Senate Bill 216 may undermine the intergovernmental and public/private cooperation and goodwill necessary to achieve environmental goals by threatening investigative depositions and subpoenas (Section 7). Past oversight committees have received full cooperation from all parties on all issues. Section 7 of Senate 216 therefore does not respond to any actual or perceived need for expanded committee powers and could thus be perceived as unnecessarily hostile.
4. Senate Bill 216 creates substantial legal questions by combining oversight of TRPA, a compact agency, with the Colorado River Commission, a non-compact state agency and then adding new committee powers. Nevada can impose additional requirements on TRPA through Senate Bill 216 "only if the compact specifically reserves its right to do so."^a In the Tahoe Regional Planning Compact, Nevada and California specifically prohibited each other from unilaterally imposing new obligations on TRPA. See Compact, Article X(b) ("The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the legislature of either state concurred in by the legislature of the other."). Adoption of Senate Bill 216 generates unnecessary legal controversy as no matching consent exists.

SB 216 creates yet another statutory committee in Nevada, but does not promote effective legislative oversight of either Lake Tahoe or Southern Nevada issues. The Nevada Legislature has efficiently and effectively overseen implementation of the Tahoe Regional Planning Compact for many years via biannual creation of a committee through concurrent resolution. In its pursuit of oversight of Southern Nevada water and power issues, Senate Bill 216 unnecessarily jeopardizes this success. TRPA therefore urges adoption of the concurrent resolution passed by the Legislature last session and recommended again by the 2002 interim committee

* Seattle Master Builders v. Pacific N.W. Elec. Power & Cons. Council, 786 F.2d 1359, 1371 (9th Cir. 1986) citing People v. City of South Lake Tahoe, 466 F.Supp. 527, 537 (E.D. Cal. 1978).

SUMMARY—Directs Legislative Commission to appoint committee to continue review of Tahoe Regional Planning Compact. (BDR R-175)

_____ CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional Planning Compact.

WHEREAS, The Tahoe Regional Planning Compact provides for the maintenance of the scenic, recreational, educational, scientific, natural and public health values of the entire Lake Tahoe Basin; and

WHEREAS, The Tahoe Regional Planning Compact establishes the Tahoe Regional Planning Agency to adopt and enforce a regional plan and to provide opportunities for the orderly growth and development of the Lake Tahoe Basin; and

WHEREAS, The Legislature of the State of Nevada is vitally concerned with achieving regional goals in conserving the natural resources of the entire Lake Tahoe Basin and with the programs and activities of the Tahoe Regional Planning Agency that affect these goals; and

WHEREAS, As a necessary corollary to this vital concern and for the protection of Lake Tahoe, the Legislature of the State of Nevada is also concerned with the role and efforts of those federal and state agencies that have authority to regulate activities in the Lake Tahoe Basin and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and

WHEREAS, Subcommittees of the Legislative Commission have successfully reviewed the programs and activities of the Tahoe Regional Planning Agency on previous occasions; and

WHEREAS, Assembly Concurrent Resolution No. 5 of the 71st Legislative Session directed the Legislative Commission to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency; and

WHEREAS, The review and oversight of the programs and activities of the Tahoe Regional Planning Agency and the role of each federal and state agency having authority and responsibility in the Lake Tahoe Basin continue to be necessary to ensure the proper functioning of those agencies; and

WHEREAS, It is vital to remain in communication with members of the Legislature of the State of California to continue to achieve the goals set forth in the Tahoe Regional Planning Compact; now, therefore, be it

RESOLVED BY THE _____ OF THE STATE OF NEVADA, THE _____ CONCURRING, That the Legislative Commission is hereby directed to appoint a committee of six legislators composed of three members of the Senate and three members of the Assembly to continue the review of the Tahoe Regional Planning Compact and to oversee the Tahoe Regional Planning Agency and each federal and state agency having authority to regulate activities in the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to:

1. Review the budget, programs, activities, responsiveness and accountability of the Tahoe Regional Planning Agency; and

2. Study the role and activities of each federal and state agency having authority to regulate activities in the Lake Tahoe Basin, including, without limitation, their role in the protection of Lake Tahoe and their interactions with and effect upon the Tahoe Regional Planning Agency and the Lake Tahoe Basin; and be it further

RESOLVED, That the committee is directed to continue to communicate with members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the Executive Director of the Tahoe Regional Planning Agency, each member of the California delegation to the Tahoe Regional Planning Agency, the President pro Tempore of the Senate of the State of California and the Speaker of the Assembly of the State of California.