



Dangerous, dishonest bill moving through statehouse

Bob Field/Community Matters

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“No matter how cynical you become, it’s never enough to keep up!”

Lily Tomlin’s classic comment comes to mind from time to time — like right now, with regard to California Senate Bill 162.

This unprecedented legislation would restrict the executive branch of the sovereign state of California from carrying out its responsibilities to protect its citizens — and the sole beneficiaries would be other sovereign nations. Not just any sovereign nations: tribal nations that the people of California are obligated to financially subsidize.

The short history is that an insignificant SB 162 was introduced last year, probably as a Sacramento trick known as a “placeholder bill.” Suddenly, on April 30 this year, the subject and the language of the bill entirely changed into a bill encouraging state agencies to cooperate with tribes on fee to trust (annexation) requests. Curious, but the real trouble lay ahead.

On May 21, the bill’s author added this alarming language: “A state agency shall not oppose a fee-to-trust land acquisition application that is for the purpose of housing, environmental protection, or cultural preservation.”

Wow. In practice this means state agencies could not oppose any tribal annexation requests, because the stated purpose would always be for the listed uses. It is common knowledge, however, that the stated purpose has no significance because tribes have a documented practice — fully supported by the U.S. Bureau of Indian Affairs — of changing the use after the land has been annexed.

The legislative trick of changing the bill is known as “gut and amend” — which sounds like some grisly process on a commercial fishing boat. As employed in Sacramento, it is no more attractive.

According to one of SB 162’s co-sponsors: “.....some politicians have figured out a way to limit the public’s right to review proposed laws. In Sacramento’s jargon, it is called “gut and amend” and it can drastically change a bill on short notice. Completely new and unrelated language is inserted into a bill and this new version does not have to return to the beginning of the process.”

This co-sponsor concludes: “I believe this approach to lawmaking disregards the rules, often results in unintended consequences, and can produce laws that don’t reflect the people’s interests.”

He’s absolutely correct. The pinnacle of hypocrisy is that he posted this condemning description of gut and amend on his website only days after his Bill SB 162 was gutted and amended.

State government’s principal responsibilities to its citizens include health, education, law and order, emergency services, roads, housing, water, environment and wildlife protection. Each and every one of these can be negatively affected by tribal annexations.

In unreimbursed economic costs alone, conservative estimates suggest that a single proposed annexation by the Chumash would cost the citizens of California a billion dollars in the first 50 years of a deal that lasts forever. There are over 100 tribes in California, many more petitioning for recognition, and countless potential annexation requests.

No one, in good conscience, would try to silence the state on this subject.

The author of SB 162 is state Sen. Joel Anderson; the co-sponsors are Sen. Mark Wyland and Assemblyman Martin Garrick. All are from the San Diego area.

At the risk of being harsh here, if California’s elected legislators don’t understand the significance of waiving sovereign California’s rights for the sole benefit of other sovereign nations, their ignorance represents gross negligence.

If they are aware of the significance and continue to support SB 162, then this betrayal of trust and violation of allegiance to the state is far worse.

“Community Matters” explores local topics of public interest. Retired businessman Bob Field is president of his neighborhood’s mutual water company and past chairman of the Valley Plan Advisory Committee.