

COUNTY OF SANTA BARBARA

LEGISLATIVE ANALYSIS FORM

BILL NUMBER: SB 162	AUTHOR: Anderson and Wyland Garrick co-author
INTRO/AMEND DATE: 5/21/2012	AUTHOR'S POLITICAL PARTY: R
BILL STATUS: Active	

1) BILL SUBJECT:

Economic Development - Federally recognized indian tribes

2) FROM DEPARTMENT:**3) IS THIS ITEM SPECIFICALLY REFERENCED IN THE LEGISLATIVE PLATFORM?**

Yes

4) WHICH POLICY-RELATED MATTER IS OF CONCERN WITH THIS BILL?

Local government control of land use

5) HOW WOULD THIS BILL IMPACT THE COUNTY? (Current practices, responsibility, authority, pros/cons, affected programs and/or services, etc.)

This bill would prohibit a state agency from opposing specified fee to trust applications when that application is for the purpose of housing, environmental protection and/or cultural preservation. The bill seeks to clarify state role in fee to trust process.

- 6) IMPACT ON COUNTY PROGRAM:** Major Minor None
SANTA BARBARA COUNTY IMPACT: Major Minor None
STATEWIDE IMPACT: Major Minor None

Explanation of Impacts:

This bill references state action, not any action taken by a local government nor judicially enforceable agreements that may occur at a local level. However, it also does not reference a tribes compliance with all local land use and CEQA regulations as referenced in the County adopted legislative platform. Despite a local government or tribal action or inaction the bill indicates that the state must not oppose the application if it is for the specific purposes listed. The role of the state and ability to comment on fee to trust applications is severed in the areas listed. The intent and need for this proposed legislative action is not clear given that presently the state may comment these applications. It does not have the authority to approve or deny. Historically, the issue of Williamson Act Lands and disposition of those lands in a fee to trust process have been a concern to both state and local governments. It is not clear how issues of this nature would be addressed with this proposed legislation.

7) WOULD THIS BILL IMPACT:

- | | | |
|---|---|--|
| a. Efficient service delivery and operations? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| b. Fiscal stability? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| c. Inter-agency cooperation? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| d. Local control? | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| e. Protection of safety net services? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| f. Community sustainability/economic stability? | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

Additional Comments:

This bill does not specifically address the local land use review process and CEQA of a project considered for a fee to trust application. Rather, this seeks to address the state's role in the process. This specifically proposes that the state cannot oppose fee to trust applications which are for the purpose of housing, environmental protection and/or cultural preservation. The bill also states that the bill should not be construed to include activities that promote gambling. Gambling/gaming is addressed via state compacts. However, it does not seek agreements at the local government level and how a local process which addresses housing, environmental protection or cultural preservation is then included or recognized when the state is no longer included within a process. According to the bill authors, this bill seeks to clarify that the fee to trust process is strictly between the tribes and the federal and local government and that the state has no role. Overall, it is unclear what the overall intent and impacts of bill are at this stage.

8) FISCAL IMPACT ON THE COUNTY:

- | | | |
|---|---|--|
| <input type="checkbox"/> Revenue Increase | <input type="checkbox"/> Revenue Decrease | <input type="checkbox"/> Unfunded Mandate |
| <input type="checkbox"/> Cost Increase | <input type="checkbox"/> Cost Decrease | <input checked="" type="checkbox"/> Undetermined |
| <input type="checkbox"/> None | | |

Additional Comments:

While land taken fee to trust removes properties from the local government taxing entities tax roll, there is no direct revenue loss associated with the passage or defeat of this bill.

9) OTHER AGENCIES THAT SHOULD REVIEW THIS BILL:**Please list other agencies below:**

CSAC & Rural Counties Regional Caucus

10) CSAC POSITION ON BILL:

- | | | |
|--|---------------------------------|---|
| <input type="checkbox"/> Support | <input type="checkbox"/> Oppose | <input type="checkbox"/> Support if Amended |
| <input type="checkbox"/> Oppose unless Amended | <input type="checkbox"/> Watch | <input checked="" type="checkbox"/> No position taken |

11) OTHER LOCAL OR STATEWIDE ORGANIZATIONS THAT HAVE TAKEN A POSITION ON THIS BILL:**(Indicate support or opposition for each)**

Bill has not been heard. No positions formally on file. CSAC is reviewing.

12) PROPOSED AMENDMENTS: (Attach separate sheet)**13) RECOMMENDATION:**

- | | | |
|--|---|---|
| <input type="checkbox"/> Active Support* | <input type="checkbox"/> Passive Support | <input type="checkbox"/> Support if Amended* |
| <input type="checkbox"/> Active Opposition* | <input type="checkbox"/> Passive Opposition | <input type="checkbox"/> Oppose unless Amended* |
| <input type="checkbox"/> Watch | <input checked="" type="checkbox"/> Concerns (Why? Explain in #6) | <input type="checkbox"/> No Position (Why?) |
| <input type="checkbox"/> No Change since Last Position | | |

* Indicates that the department believes that the Board of Supervisors should take a formal position on this bill

Additional Comments:**14) LEGISLATIVE ANALYSIS FORM PREPARED BY: Terri Nisich**

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15) APPROVED BY:

Terri Nisich, Assistant CEO



County of Santa Barbara

Intergovernmental Relations – Legislative Affairs

AMENDED IN ASSEMBLY MAY 21, 2012
 AMENDED IN ASSEMBLY APRIL 30, 2012
 AMENDED IN SENATE MAY 16, 2011
 AMENDED IN SENATE APRIL 25, 2011
 AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 162

Introduced by ~~Senator~~ *Senators Anderson and Wyland*
(Coauthor: Assembly Member Garrick)

February 2, 2011

An act to amend Section 11019.8 of the Government Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

SB 162, as amended, Anderson. Economic ~~Development~~ *development*: federally recognized Indian tribes.

Existing law encourages and authorizes all state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the Indian tribes. Existing law provides that cooperation by state agencies with federally recognized California Indian tribes on those matters may include certain activities, including, among others, providing information on programs to assist Indian tribes.

Existing federal law requires the Secretary of the Interior to publish a list of all federally recognized Indian tribes in the federal register.

This bill would add to the nonexclusive list of topics that state agencies may cooperate with federally recognized Indian tribes *by consulting on a government-to-government basis, in a respectful and*

meaningful manner, with respect to the transfer of fee land into federal trust status. This a fee-to-trust land acquisition application, as specified. The bill would prohibit a state agency from opposing specified fee-to-trust land acquisition applications. The bill would define a federally recognized Indian tribe as a tribe appearing on the list published by the Secretary of the Interior.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11019.8 of the Government Code is
2 amended to read:
3 11019.8. (a) All state agencies, as defined in Section 11000,
4 are encouraged and authorized to cooperate with federally
5 recognized California Indian tribes on matters of economic
6 development and improvement for the Indian tribes.
7 (b) Cooperation by state agencies with federally recognized
8 California Indian tribes may include, but need not be limited to,
9 all of the following:
10 (1) Providing information on programs available to assist Indian
11 tribes.
12 (2) Providing technical assistance on the preparation of grants
13 and applications for public and private funds, and conducting
14 meetings and workshops.
15 (3) Any other steps that may reasonably be expected to assist
16 Indian tribes to become economically self-sufficient.
17 (4) Consulting *on a government-to-government basis, in a*
18 *respectful and meaningful manner, with respect to the transfer of*
19 ~~*fee land into federal trust status, particular when the acquisition*~~
20 *is a fee-to-trust land acquisition application that is for the purpose*
21 *of housing, environmental protection, or cultural preservation.*
22 (c) *A state agency shall not oppose a fee-to-trust land acquisition*
23 *application that is for the purpose of housing, environmental*
24 *protection, or cultural preservation.*
25 (e)
26 (d) Cooperation by state agencies on economic development
27 and improvement for federally recognized California Indian tribes,
28 as described in this section, shall not be construed to include
29 activities that promote gambling.

1 ~~(d)~~
2 (e) For purposes of this code, or any other California law,
3 “federally recognized tribe” means a tribe that appears on the list
4 of Indian Entities Recognized and Eligible to Receive Services
5 from the United States Bureau of Indian Affairs, published pursuant
6 to Section 479a-1 of Title 25 of the United States Code.

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