

CSAC FEDERAL PRIORITY ISSUES – 2013



1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

INDIAN FEE TO TRUST REFORM

- Congress should fix long-standing deficiencies in the Bureau of Indian Affairs' (BIA) fee-to-trust process as part of any legislation that addresses the U.S. Supreme Court's *Carcieri v. Salazar* decision. Specific legislative reforms must include the following:
 - **Notice and Transparency** – As part of the trust application process, local governments should be given immediate notice when an application is filed and should receive a complete description of the proposed trust land acquisition purposes. In addition, counties should receive notice of tribal requests for determinations of whether an acquisition is considered “Indian lands” and therefore eligible for casino gaming.
 - **Consultation** – Provide sufficient opportunity for public comment and consultation. Under Part 151 fee-to-trust regulations, the BIA does not provide notice to or invite comments from non-jurisdictional parties, even though nearby governments and private parties may experience major negative impacts as a result of tribal development. BIA only invites comments from the affected state and the local governments with legal jurisdiction over the land and, from those parties, only on the narrow question of tax revenue loss and regulatory jurisdictional conflicts. As a result, trust acquisition requests are reviewed under a very one-sided and incomplete record that does not provide real consultation or an adequate representation of the consequences of the decision. Consultation should be encouraged to take place before an application is submitted and efforts should be made to include counties in the NEPA process as “cooperating agencies.”
 - **Enforceable Intergovernmental Agreements** – Legislation must ensure that off-reservation adverse impacts of a project are sufficiently addressed through Intergovernmental Agreements between tribes and local governments to provide for the mitigation of environmental and economic impacts from the transfer of land into trust. It should be noted that such an approach is required and working well under recent California State gaming compacts.

REAUTHORIZATION OF THE SECURE RURAL SCHOOLS ACT

- Approve a long-term reauthorization of the Secure Rural Schools and Community Self-Determination Act (SRS). As the national economy continues to struggle, it is more critical than ever that Congress approve a long-term SRS reauthorization, as the first individuals to feel the effects of a sagging economy live in rural America.
- In the absence of a long-term reauthorization, seek approval of a short-term extension of SRS funding for counties and schools.

U.S. ARMY CORPS OF ENGINEERS’ LEVEE VEGETATION REMOVAL POLICY

- Support a delay in the implementation of U.S. Army Corps of Engineers’ policy on levee vegetation management. In addition, seek modifications to the policy that:
 - Considers regional variation across the nation.
 - Includes a variance and exemption provision where appropriate.
 - Conforms to other federal and state laws and allows for risk-based and science-based management decisions.
 - Includes local government in a transparent and collaborative process.
 - Delegates limited authority to approve variances and exemptions to Corps Division commanders.

IMPLEMENTATION OF THE AFFORDABLE CARE ACT

- Ensure the successful implementation of the Affordable Care Act (ACA) by recognizing the current health care delivery role and expertise of counties and mitigate new risks to counties as the state implements the ACA's Medicaid expansion and other related provisions.
- The Brown administration is proposing two options to expand Medicaid – a state-based approach and a county-based approach. Regardless of which level of government in California will administer the ACA Medicaid expansion, it is estimated that three to four million Californians will remain uninsured in 2019. Accordingly, the state must account for the costs of remaining county responsibilities as county indigent programs continue to serve uninsured Californians.

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

- Support increased funding for the State Criminal Alien Assistance Program (SCAAP) in fiscal year 2014.
- Approve legislation that would allow jurisdictions to be reimbursed for the costs associated with housing undocumented immigrants who are convicted *and accused* of certain crimes.
- Oppose efforts by the Bureau of Justice Assistance to eliminate reimbursement for the "unknown" category of SCAAP inmates. Such a policy change would drastically cut SCAAP allocations to California's counties.

REMOTE SALES TAX

- Approve legislation - the *Marketplace Fairness Act of 2013* (S 336; HR 684) - that would provide states with the authority to require remote sellers to collect and remit sales and use taxes.
- It is estimated that states and local governments are losing billions of dollars in uncollected sales tax revenue every year. This long-term erosion of the sales tax base threatens state and county funding obligations such as education, transportation, and public safety.

PENSION TIER CHANGES - CONFLICT WITH IRS REQUIREMENTS

- Support legislation (HR 205) that would clarify the authority of local governments to propose and implement creative solutions to rising pension costs.
- At the same time, urge the Internal Revenue Service (IRS) to remove regulatory barriers that prevent local governments from implementing their own local pension reforms.

PROPERTY ASSESSED CLEAN ENERGY PROGRAM

- Support legislation that would prevent federal housing regulators from adopting policies that contravene established state and local property assessed clean energy (PACE) laws.
- Additionally, urge federal housing regulators to establish best-practice underwriting standards, so that well designed PACE programs can move forward in ways that protect all stakeholders. Under PACE, local governments are able to invest in projects that reduce energy consumption and greenhouse gas (GHG) emissions on privately owned residential and commercial property.

CLEAN WATER ACT – SECTION 404 PERMITTING

- Support passage of legislation that would amend Section 404 of the Clean Water Act (CWA) to provide a narrow permitting exemption for maintenance removal of sediment, debris, and vegetation from flood control channels and basins.
- Additionally, the CWA should be amended to extend the general permit term from five to 10 years.