

# Los Angeles Daily News

## How the game is played in Sacramento



Gov. Gavin Newsom signs one of the budget trailer bills at Sacramento City College in Sacramento, Calif., Monday, July 1, 2019. Looking on, from left, is Assembly Budget Chairman Phil Ting, D-San Francisco, Assembly Speaker Anthony Rendon, of Lakewood, second from left, State Senate President Pro Tem Toni Atkins, of San Diego, third from left and Senate Budget Chairwoman Holly Mitchell, D-Los Angeles, right. (AP Photo/Rich Pedroncelli)

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The California Legislature is a waste of money and space.

Every year, the Legislature goes through the motions of passing laws through its regular process, appearing to be a deliberative body. Actually, it's a dead body. The real decisions are made in back rooms and regulatory agencies, where the public is excluded or ignored.

One aspect of this decayed process is on display in Sacramento right now. Gov. Gavin Newsom recently announced a package of legislation to streamline infrastructure projects. "Streamline" is a word used in Sacramento when government officials want

to override their own strangling mess of regulations and requirements, but only for certain people or projects, not for everything and everybody.

It's best understood as a fundraising technique. It's quite streamlined in that regard.

California's typical governing process works like this: the Legislature passes idiotic laws that set arbitrary targets and goals on arbitrary timelines, then hand them off to regulatory agencies to implement. The regulatory agencies go through a suffocatingly dense process of rulemaking to comply with the laws and try to reach the targets and goals, which may be infeasible and even irrational. At this point, elected lawmakers are out of the picture, or rather, posing for pictures, while regulated industries and affected individuals are left waiting in line to submit their public comments to regulatory agencies. These powerful agencies are headed by government appointees but run by a full-time staff that is invisible to the public and accountable to no one.

This is how California ends up with costly and sometimes insane requirements, bans, mandates, fees and deadlines that raise the price of everything you buy in this state: energy, water, food, housing, and all goods and services. What regulators have done to truckers in California should be prosecuted as a war crime.

Rather than admit openly that the idiotic laws are causing problems, the state government uses a backroom process to change the law, or even write entirely new laws, when no one is looking.

Every year, the state Senate and Assembly each pass a stack of blank bills — truly blank, with only a bill number and a single sentence stating that the bill is intended to relate to the budget. These blank bills are formally introduced, sent to a committee where they are “heard” and passed, and sent to the floor and passed, thereby meeting all the deadlines on the legislative calendar. Then the bills wait until they are needed.

After the budget is passed, backroom deals are negotiated by the governor and legislative leaders with “stakeholders.” The deals are then written onto the blank bills as an “amendment.” No further hearings are required, because the blank bills were already “heard” in a committee and passed on the floor of one house, so the amended bills are quickly approved in both houses and sent to the governor's desk.

Immensely complicated and far-reaching legislation has been enacted this way. For example, the Local Control Funding Formula that completely overhauled school funding was an “amendment” to a budget-related blank bill. So was the energy legislation that now requires investor-owned utilities to impose a new system of income-based fixed charges for electricity.

This has become routine in Sacramento. Last week, Gov. Gavin Newsom announced a plan to “streamline” the state’s regulations and permitting for infrastructure projects through a package of 11 bills. But these are not ordinary bills that will be heard in policy committees with full public transparency. These are “trailer bills,” Sacramento’s term for the blank bills that are “amended” and passed quickly at the end of the budget process.

Everybody in and around California government acts as if this is normal, and no big deal. Judge for yourself. Here’s the link on the Department of Finance website where the trailer bills can be found: <https://esd.dof.ca.gov/trailer-bill/trailerBill.html>

Click on the category labeled, “Infrastructure Package,” and you’ll find draft language and fact sheets for the governor’s proposed “streamlining” bills. One of these is the “Delta Reform Act Streamlining,” which would reduce regulatory and legal impediments to the wildly expensive and highly contentious Delta tunnel project. Whether that’s a good idea or a bad idea is a separate question from whether it should be enacted at the speed of light as an amendment to a blank bill as part of the budget.

Another of the governor’s proposed trailer bills is titled “Fully Protected Species Reclassification.” This would repeal four existing laws designating species as “fully protected” and reclassify 37 fully protected birds, mammals, reptiles, amphibians and fish as either “threatened,” “endangered,” or having no listing status. That might be fine, or maybe not, but if you’d like to attend or watch a legislative hearing about these changes, you’re out of luck. There will be no hearing. This is trailer bill language, to be finalized behind closed doors and then amended onto a blank bill. It will receive an up-or-down vote in each house of the Legislature without any public debate at all, and it will take effect immediately as a bill related to the budget.

Under the “Energy, Transportation, Housing, Local Government and Labor” category is a trailer bill titled “SBX 1-2 Cleanup.” This is a revision of the recently passed “excess profits” law requiring oil companies to share confidential business information with the California Energy Commission and legislative staff members. That law was rushed through the Legislature, and now the negotiated changes will be rushed through in the opaque budget process.

California residents who have an intense interest in particular issues can spend months or years tracking bills and regulations, writing letters, making phone calls, and organizing support or opposition, but they could completely miss these lightning-quick changes. That’s the idea.

Proposed trailer bills will make changes to California law affecting education, state workers, housing, prisons, health care, tax credits, data sharing, election oversight and more.

All the players in Sacramento know that this is the way the game is played. And now, so do you.

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