Proposed Policy Resolutions

National Association of Counties (NACo)

2014 Legislative Conference

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2014 NACo Legislative Conference Proposed Resolutions

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Transportation Steering Committee

AGRICUTLTURE AND RURAL AFFAIRS STEERING COMMITTEE

PROPOSED RESOLUTION TO OPPOSE MORE STRINGENT REGULATION OF PARTICULATE MATTER

Issue: Particulate matter regulation.

Proposed Policy: The National Association of Counties (NACo) opposes any attempts by the U.S. Environmental Protection Agency (EPA) to impose regulation of Particulate Matter (PM or dust) at levels more stringent than current standards.

Background: Under the National Ambient Air Quality Standards (NAAQS), EPA revisits the Particulate Matter (PM) standards every five years. Last revised in 2012, the agency will soon restart the PM reconsideration process.

PM pollution falls into two categories – fine particles and inhalable coarse particles. Fine particles are found in smoke and haze and can come from forest fires, industries, and automobiles. Coarse particles, also known as the "farm dust" standard, are found near roadways. Tighter regulations for dust would be burdensome for many counties, especially those in rural areas.

Because of the high dust levels found in arid climates, many critical western industries have a difficult time meeting the current standard of 150 $\mu g/m^3$. In some of these areas, "no-till" days have already been proposed for agriculture, severely hindering farmers' ability to maintain productive operations. Farmers could be fined for everyday activities like driving a tractor down a dirt road or tilling a field, effectively bringing economic growth and development to a halt in many areas of the country.

If EPA proposes tighter PM standards, areas across the country would be classified as "nonattainment," forcing states to impose extreme control requirements on businesses and counties across the board.

The current PM standard was set conservatively low. EPA itself acknowledges the current standard was based on a desire to be cautious, and not on clear evidence that this very stringent level was necessary to protect against adverse public health effects. This is especially true for the type of rural dust predominantly found in agricultural and other resource-based operations.

Fiscal/Urban/Rural Impact: More stringent regulation of Particulate Matter levels will increase costs for dust suppression for both urban and rural counties.

Sponsor: Bob Fox, Commissioner, Renville County, MN

COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE

PROPOSED RESOLUTION ON FY 2015 APPROPRIATIONS FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Issue: Support FY 2015 Appropriations for the U.S. Department of Housing and Urban Development (HUD).

Proposed Policy: The National Association of Counties (NACo) urges Congress to support the following levels of funding for core U.S. Department of Housing and Urban Development programs in the FY 2015 Transportation and Housing and Urban Development appropriations bill: no less than $3.3 billion in Community Development Block Grant (CDBG) formula funding; no less than $1.2 billion in formula funding for the HOME Investment Partnerships Program (HOME); $2.1 billion for Homeless Housing Assistance grants, including at least $250 million for the Emergency Solutions Grant program plus an amount to fully fund expiring supportive housing and Shelter Plus Care rent subsidy contracts; full funding for existing Section 8 project-based and tenant-based contracts and $275 million in Section 108 Loan Guarantee authority.

In addition, NACo does not support the imposition of a funding threshold to receive CDBG formula funds directly or elimination of "grandfathering" provisions which allow cities and counties to maintain their entitlement status. NACo also does not support diverting CDBG formula funds to other categorical grant programs.

Background: The CDBG and HOME programs have been model federal block grant programs for expanding affordable housing opportunities and undertaking neighborhood revitalization.

It is important for the federal government to restore funding levels for community development, affordable housing and economic development in FY 2015. Local governments have used CDBG funds for thousands of activities such as expanding homeownership opportunities; eliminating slum and blight; infrastructure improvements such as roads, water and sewer systems; services at libraries, community centers, adult day care and child and after school care facilities; homeless housing assistance; employment training; transportation services; crime awareness; and business and job creation. HOME has an impressive track record, too, in expanding the supply of ownership and rental housing. In 2011 HOME reached the completion of one million affordable housing units.

The national median monthly rent cost is $1,231 and the median value for an owner-occupied housing unit is $181,400. The federal government uses a cost analysis for determining housing needs based upon 30 percent of household income. The current national median household income is $53,046 or roughly $25.50 per hour based upon a 40 hour work week.

This median household income level is precisely 30 percent of the monthly rent cost. Monthly principal, interest, taxes, insurance and normal expenses for an owner-occupied housing unit will exceed the 30 percent threshold. Therefore, NACo urges Congress to support increased CDBG funding for affordable housing.

According to the Center on Budget and Policy Priorities, Congress has already enacted 70 percent of the discretionary spending cuts called for under the Bowles-Simpson Deficit Reduction Commission since FY 2010.

In January 2014 Congress passed H.R. 3547, the FY 2014 Omnibus Appropriations Act. It funded the CDBG program at $3.03 billion, $150 million in Section 108 loan guarantee authority, HOME at $1 billion, Section 8 tenant-based rent subsidy contract renewals at $17.36 billion, Section 8 project-based rent subsidy contract renewals at $9.92 billion and homeless housing assistance at $2.10 billion, including at $250 million for the Emergency Solutions Grants (ESG) and full funding of Shelter Plus Care and Supportive Housing rent subsidies.

The Administration's FY 2014 proposed budget included provisions to amend the Community Development Block Grant statute to include a funding threshold of approximately $350,000 for communities to receive formula funding directly from HUD and it would eliminate the "grandfathering" of metropolitan cities and urban counties who fall below the population level at which they initially qualified. HUD has indicated that approximately 340 cities would lose direct funding under the threshold. It is believed that some counties would be eliminated from entitlement status if the grandfathering provisions were eliminated from the statute.

President Obama will present his proposed FY 2015 budget to Congress on March 4, 2014.

Fiscal/Urban/Rural Impact: Funding of HUD's core programs is crucial to state and local governments that provide services to communities at the grassroots level.

Sponsor: Welton Cadwell, Commissioner, Lake County, FL

PROPOSED RESOLUTION IN SUPPORT OF THE TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

Issue: The Transatlantic Trade and Investment Partnership is currently being negotiated by the European Union and the United States of America.

Proposed Policy: The National Association of Counties (NACo) supports the approval of the Transatlantic Trade and Investment Partnership (TTIP) by the Administration and ratification by the U.S. Senate.

Background: The Gross Domestic Product of the United States of America and the 28 member nations of the European Union represent exactly half of the entire world's Gross Domestic Product, with the United States' share at 22 percent of Global GDP and the European Union at 25 percent of Global Gross Domestic Product.

Trade between the United States and the European Union is $623 billion annually. The economic impact of goods and services is a combined $675 billion, and this trade relationship generated tens of thousands of jobs in the United States and in the European Union.

The United States number one trading partner is the European Union and the 28 nations that comprise the European Union and economists agree that this partnership will result in a

minimum one percent of Gross Domestic Product for the United States and the European Union.

The Transatlantic Trade Partnership (TTIP) is good for United States companies exporting to the European Union membership because it reduces or eliminates most tariffs and slashes red tape, making U.S. goods more affordable to international buyers.

Fiscal/Urban/Rural Impact: Creates jobs for local workforce, preserves jobs for local workers and increases exports to the European Union by opening new world markets.

Sponsor: Tom Freeman, EDA Commissioner, Riverside County, CA

PROPOSED RESOLUTION IN SUPPORT OF PERMANENT AUTHORIZATION FOR THE EB-5 REGIONAL CENTER PROGRAM

Issue: The EB-5 Regional Center Program (the "Program") authorization expires on September 30, 2015.

Proposed Policy: The National Association of Counties (NACo) supports federal legislation to permanently authorize the EB-5 Regional Center Program and to maximize its capacity for economic impact and job creation.

Background: Congress created the fifth employment-based preference (EB-5) immigrant visa category in 1990 for qualified foreigners seeking to invest in a business that will benefit the U.S. economy and create or save at least 10 full-time jobs for U.S. workers. It is Section 203(b)(5) of the Immigration and Nationality Act. The basic amount required to invest is $1 million, although that amount is reduced to $500,000 if the investment is made in a rural or high unemployment area (*i.e.* "Targeted Employment Area (TEA)"). Because of market forces, virtually all EB-5 investments are in rural areas or TEAs at the $500,000 level. Of the 10,000 EB-5 green cards available each year over 95 percent go to foreign nationals who invest through a Regional Center.

A Regional Center is a private enterprise/corporation or a regional governmental agency with a targeted investment program within a defined geographic region. The Regional Center Investment Program allocates 3,000 green cards each year for people who invest in designated Regional Centers. The 3,000 is not a limit, just the amount reserved specifically for Regional Center based investments. The program has been renewed several times, and is currently due to expire September 30, 2015.

Recent authorizations have been for three-year terms. This is not sufficient time for a project developer to secure the required project approvals from United States Citizenship and Immigration Services (USCIS), secure the financing and build the project. Permanent authorization will improve predictability and increase utilization of the program to support economic development projects in TEAs in counties all over the country.

Fiscal/Urban/Rural Impact: According to a peer-reviewed economic impact study, in 2010-2011 the EB-5 program contributed over $2.6 billion to gross domestic product (GDP), supported over 33,000 jobs, and generated over $346 million in federal and over $218 million in state/local taxes. In 2012, another peer-reviewed study found that the program contributed over

$3.3 billion to GDP, supported over 42,000 American jobs, and generated over $447 million in federal and over $265 in state/local taxes. Industries benefiting the most included construction, food service, wholesale trade, real estate, financial services, legal services, architecture/engineering, and healthcare.

Sponsor: Tom Freeman, EDA Commissioner, Riverside County, CA

PROPOSED RESOLUTION IN OPPOSITION TO THE TRANS-PACIFIC PARTNERSHIP FREE TRADE AGREEMENT

Issue: Impact of the Trans-Pacific Partnership Free-Trade Agreement on communities, the national economy and the environment.

Proposed Policy: The National Association of Counties (NACo) urges Congress to disapprove the Trans-Pacific Partnership Free-Trade Agreement as contrary to the best interest of communities, our national economy, and the environment.

Background: The United States Trade Representative is currently negotiating with eleven Pacific nations over a free-trade agreement to be known as the Trans-Pacific Partnership. The proposed agreement is believed to have a future adverse impact on the retention and creation of jobs in the United States. Additionally, the proposed agreement is believed to undermine consumer protections in the United States.

Further, the free-trade agreement will not spur innovation and job creation across all sectors of our economy. Finally, the agreement will endanger food safety, access to medicines and require the United States to admit food products imported from countries that do not meet existing American-food safety standards.

Significantly, this agreement is being negotiated in secrecy such that its actual language and terms are not known. True democratic decision-making should be done in a transparent manner.

NACo urges Congress to block adoption of the Trans-Pacific Partnership Free-Trade Agreement by rejecting the agreement should it be presented to Congress for approval.

Fiscal/Urban/Rural Impact: The Trans-Pacific Partnership Free-Trade Agreement would adversely affect our communities, the national economy and the environment.

Sponsor: Kenneth Epperson, Commissioner, Caddo Parish, LA

PROPOSED RESOLUTION URGING CONGRESS TO INCREASE THE MINIMUM WAGE AND TO TIE FUTURE INCREASES TO THE COST OF LIVING STANDARD

Issue: The federal minimum wage standard has not increased while the cost of living has gone up resulting in financial distress on members of our communities.

Proposed Policy: The National Association of Counties (NACo) urges Congress to adopt legislation increasing the minimum wage in all sectors of the economy. NACo further urges Congress to adopt legislation tying future increases in the minimum wage to increases in the cost

of living.

Background: The national economy continues to struggle to rebound from the recession of 2007-2009. It has been shown that an increase in the minimum wage results in increased consumer spending. That increased consumer spending will result in immediate increases in the national as well as local economies. Increases in economic activity will benefit both consumers and governments.

The federal minimum wage has not kept up with the rate of inflation. The result is that the earning power of workers in low wage jobs is falling behind their cost to live productive and useful lives. Many of the jobs created since the recession of 2007-2009 have been low wage jobs. Two-thirds of low wage employees work for businesses with over 100 employees. The value of publicly traded businesses has risen significantly since 2009. Executive compensation has likewise risen significantly. A large portion of the pay gap between low-income workers and middle-income workers exists because of the discrepancy between the increase in inflation and the lack of increase in the minimum wage.

The states have traditionally been considered the laboratories of our society. Twenty-one states have adopted laws increasing the minimum wage beyond the federal standard. The laboratories of our society are sending a clear message to our national leadership that the federal minimum wage should be increased.

Fiscal/Urban/Rural Impact: Low-income workers pose significant burdens for local communities and governments. Raising the federal minimum wage will mitigate those burdens.

Sponsor: Kenneth Epperson, Commissioner, Caddo Parish, LA

ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE

PROPOSED RESOLUTION ON IMPROVING WATER QUALITY PLANNING THROUGH REGIONAL WATERSHED(S) PROTECTION

Issue: Effective water quality management through regional watershed(s) protection.

Proposed Policy: The National Association of Counties (NACo) urges improvements in regional water quality management and watershed protection as dictated through Section 208 of the Clean Water Act of 1972. NACo recommends increased funding for water quality and wastewater management projects at the regional watershed(s) planning level through the U.S. Environmental Protection Agency (EPA) Revolving Loan Fund (RLF).

Background: As a county/regional comparison, the majority of watersheds in Barnstable County (Cape Cod), Massachusetts receive wastewater with excessive nitrogen that flows through groundwater into the coastal waters, and that amount of nitrogen is ruining the ecology of those coastal areas. As the population of Cape Cod has increased over the last several decades, so has the volume of nutrients entering the coastal waters and freshwater ponds, leading to diminishing shellfisheries, ponds choked with algae and decreasing dissolved-oxygen concentrations, fish kills, and violation of water quality standards. Many of the issues common to municipal wastewater planning initiatives are further complicated by the fact that 32 of the 57 watersheds to coastal embayments are shared by two or more towns. To date, a fragmented approach has characterized the response to this challenge. Each of the 15 Cape Cod towns has engaged in the existing regulatory process and approached the problem on its own turf, with its own resources, for its own benefit – in some cases, to the collective detriment. It is inherently more expensive to solve the wastewater management problem on a town-by-town basis. A regional solution approach to the watershed-by-watershed basis is needed. In addition, changes to the existing federal, state, regional, and local regulatory environment and more creative financing options will be necessary to implement plans and solutions more effectively.

Fiscal/Urban/Rural Impact: Water quality planning through regional watershed(s) protection would provide additional federal funds to counties, municipalities, and regional planning/regulatory entities. At this time, the Cape Cod Commission is preparing a Water Quality Plan Update consistent with requirements from Section 208 of the Clean Water Act of 1972.

Sponsor: William Doherty, Commissioner, Barnstable County, MA

PROPOSED RESOLUTION ON ENSURING ENERGY REMAINS AFFORDABLE BY USING EXISTING RESOURCES

Issue: Anti-coal legislation and federal regulations and their impact on utilities.

Proposed Policy: The National Association of Counties (NACo) urges Congress and the Administration to cease placing unnecessary restrictions on the mining, transportation and burning of coal. NACo opposes the U.S. Environmental Protection Agency's (EPA) Maximum Achievable Control Technology (MACT) rules and believes those rules should be suspended until further studies are done on the impact to electric utility operations and the cost and benefit

of these new rules can be analyzed.

Background: In the last 20 years, electric utilities have invested billions of dollars in clean energy technologies that have reduced power plant emissions by more than 80 percent. Despite this, EPA has passed new MACT rules that will add billions to the cost of using coal as an energy resource. Most major utilities, state regulators, and at least 25 states have opposed these new regulations and have registered those complaints with the EPA, the Federal Energy Regulatory Commission and to Congress.

Fiscal/Urban/Rural Impact: In some regions of the country, the cost of meeting coal regulations has already increased electricity bills by more than 50 percent. These new MACT rules alone have the potential to increase electricity prices by another 20 percent. The economic recovery of our counties and our citizens does not need these added costs at a time when we are struggling to come out of the Great Recession.

Sponsor: Robert A. "Bob" Cole, County Commissioner, Santa Rosa County, FL

FINANCE AND INTERGOVERNMENTAL AFFAIRS STEERING COMMITTEE

PROPOSED RESOLUTION IN SUPPORT OF THE EXEMPTION OF NON-SALES TAX STATES WITHIN THE MARKETPLACE FAIRNESS ACT

Issue: Exemption from collection requirements for non-sales tax states in the Marketplace Fairness Act.

Proposed Policy: The National Association of Counties (NACo) supports an exemption within the Marketplace Fairness Act that would exclude businesses within non-sales tax states from collection requirements.

Background: NACo is currently promoting and supporting the Marketplace Fairness Act pending in the United States House of Representatives. The State of New Hampshire is a 100 percent membership state within NACo and the tax policy of the State does not impose any retail sales or use taxes on any customers. New Hampshire is one of five such non-sales tax states.

The Marketplace Fairness Act (MFA) would *mandate* the collection of sales taxes by New Hampshire based businesses on retail internet purchases by out-of-state customers based on their home state sales tax. Furthermore, MFA would require New Hampshire businesses as remote sellers with no presence in the customer's home state to collect new taxes not currently collected by New Hampshire businesses and to pay the taxes over to the customer's home state.

NACo traditionally supports the authority of states and local governments and has opposed federal mandates on states and local governments. Support for an exemption for New Hampshire and the other non-sales tax states within the Marketplace Fairness Act corresponds with the traditional policy position espoused by NACo to support local policy in place at the state and local government level.

Fiscal/Urban/Rural Impact: The Marketplace Fairness Act imposes an unfair and costly federal mandate on the State of New Hampshire and its local businesses. An exemption would eliminate this specific federal burden on non-sales tax states.

Sponsors: Carol Holden, Commissioner, Hillsborough County, NH; Toni H. Pappas, Commissioner, Hillsborough County, NH; Bronwyn Asplund-Walsh, Commissioner, Merrimack County, NH

PROPOSED RESOLUTION ON STABLE, MARKET-DRIVEN ALTERNATIVE RETIREMENT TRANSITION OPTION (SMART OPTION)

Issue: Option for local governments to opt out of Social Security.

Proposed Policy: The National Association of Counties (NACo) supports a Stable, Market-Driven Alternative Retirement Transition Option ("SMART Option") window through which local governmental entities may choose from three options parallel with choices currently available only to newly formed governmental entities:

a) Continue paying into Social Security; or

b) Continue paying into both Social Security and a Qualifying Retirement System; or
c) Pay only into a Qualifying Retirement System.

Background: The 1935 Social Security Act did not extend Social Security coverage to state and local government workers. In 1950, Congress added Section 218 to the Social Security Act which allowed for states to elect Social Security coverage for its employees. All states opted into the Social Security System via Section 218 at that time. Section 218 also allowed for local governments to opt into the Social Security System. In 1954 Congress extended Section 218 coverage to additional groups of employees, and in 1956 Congress allowed for divided retirement systems based on groups of employees who voted for or against social security coverage.

Until April of 1983, public employers were able to opt in and out of the Social Security System through Section 218 Agreements. In 1983, amendments to the Social Security Act prohibited public employers participating in the Social Security System from renegotiating their participation agreements.

Local governments that did not opt out of Section 218 Social Security Agreements prior to 1983 are permanently bound to pay into Social Security, even when they offer an alternative qualifying retirement system. Newly formed governmental entities have the option of participating only in a qualified retirement system and not Social Security. This discrepancy has led to disparity between local governments, employees of local governments, and the citizens those local governments serve. Most local government entities currently participating in Social Security are doing so based on agreements signed in the 1950's and they currently have no flexibility to make changes. Local governments should have control and flexibility over the benefits offered to their workers to ensure their competitive position as employers and ability to efficiently attract and maintain a highly effective, high quality workforce.

This year marks the 31st anniversary of that legislation and it is an appropriate time to consider allowing SMARTer options for local governments.

Fiscal/Urban/Rural Impacts: Allowing local governments more options will result in increased participation in the private investment and retirement plan sectors, better financial outcomes for employees and strengthening of the Social Security system's long term viability. Local governments would retain their ability to offer their employees appropriate benefits coverage to meet their individual and community needs.

Sponsor: Colorado Counties, Inc.

PROPOSED RESOLUTION ON THE EQUAL ACCESS TO JUSTICE ACT

Issue: The un-intentioned use of The Equal Access to Justice Act (EAJA).

Proposed Policy: The National Association of Counties (NACo):

1. Supports legislation that Amends the Equal Access to Justice Act and the federal judicial code to require the Chairman of the Administrative Conference of the United States to report to Congress annually on the amount of fees and other expenses

awarded to prevailing parties other than the United States in certain administrative proceedings and civil action court cases (excluding tort cases) to which the United States is a party, including settlement agreements.

2. Supports requirements that such reports: (1) describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid Congress in evaluating the scope and impact of such awards; and (2) be made available to the public online.
3. Supports legislation that directs the Chairman of the Administrative Conference of the United States to create and maintain online a searchable database containing specified information with respect to each award including the name of the agency involved, the name of each party to whom the award was made, the amount of the award, and the basis for finding that the position of the agency concerned was not substantially justified.
4. Supports legislation that requires the head of each federal agency (including, with respect to court cases, the Attorney General [DOJ] and the Director of the Administrative Office of the United States Courts) to provide the Chairman all information requested to produce such reports.
5. Supports raising the EAJA reimbursement level to $200 per hour reflecting the market rate, so that those in need (i.e. veterans and small business) and that are "directly and personally harmed" can afford a decent and marketable attorney.
6. Supports the institution of a $7,000,000 net worth cap regardless of tax exempt status to reduce the number of lawsuits filed by large nationwide fringe groups that profit from habitual lawsuits.

Background: EAJA is well intentioned and necessary legislation designed to provide individuals, small businesses, and non-profit organizations the ability to recover both attorney's fees and the costs of litigation with suits filed against the federal government. Unfortunately, the EAJA has been abused in recent years and a flood of non-substantive claims have been filed and there is no accounting of the costs to the federal government associated with EAJA actions.

Fiscal/Urban/ Rural Impact: Immeasurable

Sponsors: Mike Murray, Commissioner, Lewis and Clark County, MT; Lesley Robinson, Commissioner, Phillip County, MT; Greg Chilcott, Commissioner, Ravalli County, MT; Todd Devlin, Commissioner, Prairie County, MT

PROPOSED RESOLUTION IN SUPPORT OF ENACTMENT OF FEDERAL OFFSET PROGRAM LEGISLATION (H.R. 2716)

Issue: H.R. 2716 allows counties and other localities to collect past-due taxes through the Federal Offset Program.

Proposed Policy: The National Association of Counties (NACo) supports the passage of H.R. 2716 to amend section 6402 of the Internal Revenue Code to allow for the offset of local government tax obligations against federal income tax refunds.

Background: As stated in the *American County Platform*, NACo has long supported "federal legislation to permit the offset of federal tax refunds for state and local tax debts and outstanding

court-ordered obligations in criminal and juvenile justice proceedings." H.R. 2716, currently pending in the 113th Congress, provides for the offset of local government tax obligations against Federal income tax refunds.

The Federal Offset Program was created in the 1980s after enactment of legislation to allow states to submit child support arrearages to the Treasury Department to offset the federal income tax refunds of child support debtors. In 2000, legislation enabled states to submit delinquent state income tax debt to the Federal Offset Program. Today, 42 states and the District of Columbia participate in the Federal Offset Program and, through it, collected over $561,000,000 in delinquent state income tax obligations in 2012. Apart from the Federal Offset Program, many states currently permit local governments to submit their delinquent accounts to the state for offset against any state income tax refund issued. Prior to issuing the taxpayer a refund, the state checks to see if there are any claims submitted by a local government. If there are any such claims, the state holds up the refund pending notice to the taxpayer, and pays the refund or the applicable portion thereof to the locality to resolve the local tax obligation.

Pursuant to the legislation, state taxing authorities act as the clearinghouse for the local governments: localities submit their delinquent tax information to the state, which forwards the information to the Treasury, just as participating states do now for state income tax debts to be offset under the existing Federal Offset Program. It is important to note that the bill would impose no cost on the federal government. The state government and federal government will be compensated by the local government for administrative costs.

Fiscal/Urban/Rural Impact: H.R. 2716 would provide local governments with an effective, powerful collections tool (potentially as much as 2-3 billion dollars in additional collections) at no cost to the federal government or to participating state governments. In a time of increased budget deficits, falling revenues and spending cuts, it is incumbent that local governments collect the taxes they are due. If H.R. 2716 is passed, local governments would realize a significant increase in revenue.

Sponsors: Francis X. O'Leary, Treasurer, Arlington County, VA; Christopher J. Sadowski, Deputy Treasurer for Litigation, Arlington County, VA

HEALTH STEERING COMMITTEE

PROPOSED RESOLUTION IN SUPPORT OF MAXIMUM FUNDING FOR COUNTY PRIORITIES THROUGH THE PREVENTION AND PUBLIC HEALTH FUND

Issue: An aging and growing population requires increased public intervention including additional resources for health burden prevention.

Proposed Policy: The National Association of Counties (NACo) urges Congress and the Administration to strengthen the effectiveness of the Affordable Care Act (ACA) Prevention and Public Health Fund (PPHF) by ensuring that PPHF resources are passed through to the local county level to the greatest extent possible, in order to enable increased health and wellness education, biometric screening, disease prevention and surveillance, public safety health and education, public health nursing, immunization services and other evidence based prevention and public health interventions.

Background: Today's U.S. population of 318 million is anticipated to increase to over 430 million by 2050. The current 41 million people over the age of 65 is anticipated to increase to over 80 million by 2050 as well. In consideration of this aging and growing population, there is a greater need to provide health care services to the public that will help in reducing the impacts of preventable health burdens upon seniors and the general population.

NACo supports the Prevention and Public Health Fund to help in community based health care interventions for disease prevention, wellness and financial assistance for avoiding unnecessary institutional care.

Fiscal/Urban/Rural Impact: Additional Affordable Care Act (ACA) Prevention and Public Health Fund appropriations for local level long-term health care burden prevention would provide additional federal funds to counties, municipalities, and public health care organizations.

Sponsor: William Doherty, Commissioner, Barnstable County, MA

PROPOSED RESOLUTION IN SUPPORT OF CONTINUOUS FUNDING FOR COMMUNITY-BASED MENTAL HEALTH PROGRAMS

Issue: Lack of sufficient federal funding for community-based mental health programs.

Proposed Policy: The National Association of Counties (NACo) supports the continuous and increased use of federal funds to improve early intervention community-based mental health programs, in coordination with local human service and law enforcement, as part of a comprehensive response to gun violence. A one percent increase to the funds collected by the federal government from the manufacturers of firearms and ammunition under the Pittman-Robertson Act should be allocated to the counties/community-based providers upon a formula approved by the Secretary of the Interior and the Secretary of Health and Human Services in order to maintain successful community-based programs at the local level.

Background: A growing number of communities have been forced to deal with the convergence of gun violence and mental health issues. A comprehensive response to gun

violence must focus on funding for community-based mental health programs in addition to other types of regulations being discussed. Mental health services are critical to overall population health. Providing treatment in a community-based setting allows people the opportunity to stay connected with family, to learn the skills needed to be more independent, to be engaged in their community, and when possible to work.

The nexus between the manufacturing of firearms and the sport of hunting provides a stable and constant source of funding for wildlife conservation under the Pittman-Robertson Act. The nexus between the manufacturing of firearms and firearm violence should also be a source of funding for early intervention mental health programs to prevent future tragedies like Thurston, Aurora, Clackamas, and Newtown.

Fiscal/Urban/Rural Impact: The potential fiscal impact to counties across the nation will be significant as community-based mental health programs are typically underfunded as a whole. The recent rise in gun and ammunition sales suggests that funding for wildlife conservation under the Pittman-Robertson Act will not experience a decrease, but will be able to maintain its funding at a rate similar to that of previous years. Total collections from these taxes were $338.2M in FY2011 and $555.3M in FY2012.

Sponsors: Pat Farr, Commissioner, Lane County, OR

PROPOSED RESOLUTION IN SUPPORT OF FEDERAL REGULATIONS ADDRESSING NICOTINE USE THROUGH VAPORIZED DELIVERY SYSTEMS

Issue: Address the lack of sufficient federal regulation of nicotine use through vaporized delivery systems.

Proposed Policy: The National Association of Counties (NACo) supports the Food and Drug Administration's (FDA) proposal of a regulation that would extend the agency's "tobacco-product" authorities.

Background: Adolescence is the peak time for tobacco use initiation and experimentations. In recent years, new and emerging tobacco products, sometimes referred to as "novel tobacco products," have been developed and are becoming an increasing concern to public health due, in part, to their appeal to youth and young adults. Non-regulated tobacco products come in many forms, including electronic cigarettes, nicotine gels, and certain dissolvable tobacco products (i.e., those dissolvable products that do not currently meet the definition of smokeless tobacco under 21 U.S.C. 387(18) because they do not contain cut, ground, powdered, or leaf tobacco and instead contain nicotine extracted from tobacco). These products are widely available.

Currently, the FDA has the authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The proposed regulation grants the FDA the authority to issue regulations deeming other tobacco products that meet the statutory definition of "tobacco product" to be subject to the provisions found in Chapter IX: Tobacco Products of the Food, Drug, and Cosmetic Act. This proposed regulation is necessary to afford FDA the authority to regulate these products which include electronic cigarettes. Electronic cigarettes are battery powered smoking devices that vaporize a liquid solution containing nicotine, simulating tobacco.

It is necessary to provide FDA with authority to regulate these products (e.g., registration, product and ingredient listing, user fees for certain product, premarket requirements, and adulterations and misbranding provisions). This framework is consistent with other approaches that the Agency has taken to address the tobacco epidemic and is particularly necessary given that consumer use may be gravitating to the proposed deemed products.

Fiscal/Urban/Rural Impact: The proposed rule has two parts: one part deems all tobacco products to be subject to the Federal Food, Drug, and Cosmetic Act (FD&C Act); the other part proposes additional provisions that would apply to newly-deemed products as well as to other covered tobacco products. The proposed deeming action differs from most public health regulations in that it is an enabling regulation. In addition to directly subjecting newly deemed "tobacco products" to the substantive requirements of Chapter IX of the FD&C Act, it enables FDA to issue further public health regulations related to such products. Thus, almost all the potential benefits and most of the costs that flow from deeming action would be realized in stages over the long-term. The proposed rule would generate some immediate quantifiable benefits by dissuading smokers of small and large cigars, thereby improving health and longevity; it would impose costs in the form of registration, submission, labeling, and other requirements.

Sponsored by: Commissioner Pat Farr, Lane County, OR

HUMAN SERVICES AND EDUCATION STEERING COMMITTEE

PROPOSED RESOLUTION IN SUPPORT OF INCREASED FUNDING FOR EARLY CHILDHOOD DEVELOPMENT

Issue: Increased funding for early childhood development.

Proposed Policy: The National Association of Counties (NACo) supports legislation to increase investments in early childhood development, including greater coordination among pre-school programs in schools and county run programs such as Head Start, Early Head Start and quality childcare.

Background: New attention is being given to the need for pre-school programs, including greater funding for Head Start and Early Head Start in the FY 2014 omnibus appropriations bill and the introduction of the Strong Start for America's Children Act, which is based on the President's proposal to fund universal pre-K. While the legislation focuses on serving all 4-year-old children under 200 percent of poverty, it also encourages coordination among different programs, allows 15 percent of funds to serve infants and toddlers and expands coverage to 3-year old children in areas that are already covering 4-year olds.

Research has demonstrated the importance of the early years in child development. Additionally, investment in early childhood development programs can reduce future expenditures in chronic health care services, child welfare, the juvenile justice system and welfare.

Fiscal/Urban/Rural Impact: Would provide additional funds for county early childhood education efforts, which would in turn reduce long-term costs in juvenile justice, public assistance and other programs.

Sponsor: Toni Carter, Commissioner, Ramsey County, MN

PROPOSED RESOLUTION ON THE SOCIAL SERVICES BLOCK GRANT

Issue: Funding of the Social Services Block Grant (SSBG).

Proposed Policy: The National Association of Counties (NACo) strongly supports the Social Services Block Grant (SSBG), opposes any efforts to eliminate or reduce its funding and calls on Congress to restore sequestration cuts to the program.

Background: SSBG has been the target for elimination and deep cuts in the past and was also one of the few entitlement programs subject to sequestration. While the Bipartisan Budget Act restored the sequestration cuts to most discretionary programs, it did not do so for the mandatory programs. As a result, SSBG is now funded at $1.578 billion instead of the authorized level of $1.7 billion and will continue to be reduced every year.

SSBG funding is used for a variety of services, but the most common include adult protective services and child welfare. SSBG is currently the only federal source of funding for adult protective services. Child welfare services funded by SSBG make up for insufficient funds in

other federal programs, and may also cover children and families who are not eligible for federal foster care.

Under current law, states are allowed to transfer part of their Temporary Assistance to Needy Families Block Grant to SSBG, which is a more flexible funding source. In the past, SSBG has also served as a conduit for disaster relief funding because of its flexibility.

Fiscal/Urban/Rural Impact: Would preserve county funding.

Sponsor: National Association of County Human Services Administrators (NACHSA)

JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE

PROPOSED RESOLUTION URGING THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO REEVALUATE ITS CALCULATION METHOD ON PUBLIC ASSISTANCE

Issue: The Federal Emergency Management Agency's (FEMA) current calculation method for Public Assistance (PA) encourages an inequitable distribution of funds across our nation's counties in the case of a disaster.

Proposed Policy: The National Association of Counties (NACo) urges that the calculation method which FEMA uses to determine when to award federal PA to counties to aid with disaster cleanup and repair be revisited. NACo further recommends alternative mechanisms be examined to guarantee that PA determinations are made in a more equitable manner based on actual disaster impact to residents and infrastructure.

Background: Following a federal disaster declaration, FEMA utilizes a formula based on several factors to determine PA to help rebuild lost infrastructure and repair damages. Congress specifically legislated against the use of a formula for PA determinations in Section 320 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, stating that no geographic area should be prevented from receiving PA solely on the application of an arithmetic formula or sliding scale based on population.

The current PA award model definitively resembles a formulaic determination for disaster declarations. The localized impact factor practically ensures that it is highly unlikely that certain counties, either because of large and diverse population or the relative sparsity of jurisdiction, would be granted PA. NACo urges FEMA to reevaluate the current calculation system for PA allocation in order to assure equitable resource allocation in the case of a disaster, calculating the need for assistance based on the individual area or region, the condition of the area or region before the occurrence, and the impact on the same following an event.

Fiscal/Urban/Rural Impact: Would provide appropriate level of federal funds to counties for disaster response and recovery efforts.

Sponsor: Toni Preckwinkle, President of the Board of Commissioners, Cook County, IL

PROPOSED RESOLUTION ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

Issue: The State Criminal Alien Assistance Program (SCAAP) is more vulnerable to funding cuts as administered by the U.S. Department of Justice (DOJ) than if it were transferred to the Department of Homeland Security (DHS). Most immigration functions were transferred from DOJ to DHS under the Homeland Security Act of 2002.

Proposed Policy: The National Association of Counties (NACo) opposes the reprogramming or rescission of FY 2014 SCAAP funds by the U.S. Department of Justice (DOJ), and urges Congress to increase appropriations for SCAAP and to transfer its administration from DOJ to

the Department of Homeland Security.

Background: NACo has long supported full federal reimbursement of state and local costs of incarcerating undocumented criminal aliens. While administering our nation's immigration laws is a federal responsibility, counties incur major costs for incarcerating inmates who are unlawfully in the country due to the federal government's failure to control illegal immigration.

The 1994 Crime Act amended the Immigration and Nationality Act to authorize the Attorney General to take custody of undocumented criminal alien inmates or reimburse state and local governments for the cost of incarcerating them through SCAAP. Under the Homeland Security Act of 2002 which created DHS, immigration enforcement functions, including the identification and removal of deportable criminal aliens, were transferred from DOJ to DHS. However, the administration of SCAAP stayed in DOJ.

Since 2002, DHS's budget for immigration enforcement (including immigrant-related detention) has greatly increased while SCAAP funding has dropped sharply from $565 million in FY 2002 to $238 million in FY 2013 and $180 million for FY 2014. Moreover, DOJ further reduced SCAAP funding in FY 2012 and FY 2013 by using its administrative authority to reprogram $24 million each year (10 percent) of total SCAAP appropriations to other activities. As a result, SCAAP reimbursement of counties' jail costs fell from $196.6 million in FY 2002 to only $79.1 million in FY 2013 even though the number of counties receiving SCAAP payments increased from 593 in FY 2002 to 795 in FY 2013. There is a major risk that DOJ will use its administrative authority to reprogram 10 percent of FY 2014 SCAAP appropriations and rescind up to $59 million in unobligated FY 2014 SCAAP funds, as allowed under the FY 2014 omnibus appropriations act.

DOJ should <u>not</u> reduce SCAAP reimbursement of counties' undocumented criminal alien incarceration costs by reprogramming or rescinding FY 2014 SCAAP appropriations. Congress should increase SCAAP appropriations and also transfer SCAAP's administration to DHS' Bureau of Immigration and Customs Enforcement (ICE), which is responsible for the identification and removal of criminal aliens and the detention of non-citizens subject to removal from the United States. Counties should be reimbursed for more of their criminal alien incarceration costs if SCAAP were transferred from DOJ to DHS.

Sponsors: Los Angeles County, CA; California State Association of Counties

PUBLIC LANDS STEERING COMMITTEE

PROPOSED RESOLUTION TO MODIFY THE NATIONAL PARK SERVICE CONTINGENCY PLAN THAT BECOMES EFFECTIVE UPON A LAPSE IN APPROPRIATIONS FROM CONGRESS

Issue: Appropriate management scheme for individual National Park Services (NPS) unit in the absence of appropriation.

Proposed Policy: The National Association of Counties (NACo) proposes that each Superintendent of a National Park Service (NPS) unit, who has the inherent knowledge of his or her own facility, shall be responsible and charged to formulate a plan of operation for their unit in the absence of appropriations.

Background: There are many federal documents to support the above proposed policy. The National Park System Closure Determination and Notice issued by the Department of the Interior, specifies that the closure of a park unit is pursuant to 36 C.F.R. 1.5. In fact, C.F.R. 1.5 specifically delegates the authority to close all or a portion of a park area, to the *Superintendent*. Circular No. A-11, from the Office of Management and Budget, dictates that each Agency Head develop its own plan. (This could include individual unit plans as part of the whole document.) The National Park Service Contingency Plan itself acknowledges the dramatic differences between park sites and those essential activities will vary greatly between them.

Consider Lake Roosevelt National Recreation Area (LRNRA) in eastern Washington State. LRNRA is over 150 miles long, has over 600 miles of shoreline, 26 different boat launch locations, 35 campgrounds and hundreds of access points. The LRNRA is managed through a 5 Party agreement:

- Spokane Tribe of Indians (STI)
- Confederated Tribes of the Colville Reservation (CCR)
- Bureau of Indian Affairs (BIA)
- Bureau of Reclamation (BOR)
- National Park Service (NPS)

Under this agreement, management responsibilities are separated into three categories:

- Reclamation (managed by BOR)
- Reservation (managed by STI and CCR)
- Recreation (managed by the NPS).

Additionally, several campgrounds and boat launches are managed separately by either the STI or the CCR. These Tribal owned campgrounds and boat launches are not under the jurisdiction of the NPS and are not subject to closure upon lack of funding. Visitors can still access the Lake Roosevelt National Recreation Area via these facilities. In other words, LRNRA is essentially still open to the public.

Within the LRNRA there are many boat launches that also have campgrounds associated with them. While we understand the need to close the campgrounds and any facilities that would require NPS employees to operate, if each Superintendent had the ability to custom tailor each NPS unit, theoretically, it would be easy for the boat launches to remain open for public use.

None of the launches are ever staffed by NPS employees, they are open year round and are essentially, “launch at your own risk”. Liability issues surrounding people being on federal land when the government is shut down can be mitigated. For example, since Lincoln County and other counties that border LRNRA, already provide for law enforcement and all emergency services within the boundaries, there could be a formal agreement with the NPS and the counties to provide these services and assume the liability (that already exists) in the event of no federal money for the NPS to operate. Liability remains constant for all governmental entities that have jurisdiction within the boundaries of a NPS unit, whether or not congress has approved funding.

Fiscal/Urban/Rural Impact: NPS employees enforce trespassing on public land in a funding lapse in the name of public safety. But in reality, if a public safety issue arises, the local jurisdictions respond. The five counties bordering LRNRA all provide first response law enforcement, fire service, and emergency medical service within its boundaries so it would seem public safety concerns can be mitigated.

Within the boundaries of the LRNRA, hunting is allowed. This latest government shut-down just happened to coincide with hunting season causing hunters to seek alternate areas in which to hunt. This creates an economic hardship for the surrounding local governments. If a shutdown were to occur during the peak of the tourist season it would be even more disastrous to these economies.

The application of a blanket policy that treats all 401 units of the National Park System identical in the event of a government shutdown just does not make good fiscal sense and in fact *costs* even more money, all the while damaging local economies.

Sponsors: Rob Coffman, Commissioner, Lincoln County, WA; Ron Walter, Commissioner, Chelan County, WA; Washington State Association of Counties

PROPOSED RESOLUTION ON FEDERAL LANDS MANAGEMENT PRACTICES

Issue: Federal Lands Management.

Proposed Policy: The National Association of Counties (NACo) supports the following changes to federal lands management policy:

1. Requiring federal lands to be managed in both an ecologically and financially sustainable manner providing a source of revenue to the federal, state, and local governments.
2. Requiring federal lands to be managed with consideration of the potential costs of remediation after a severe fire event.
3. Reorganization of Forest Service management to reduce the layers of organizational structure form four to three. Currently they have the Washington Office, 9 regional offices, Forest Supervisor headquarters, and Ranger District Offices.
4. Clearly defining the Forest Service mission to get more projects 'boots on the ground' with less administrative distractions.
5. Reducing the Federal deficit through the responsible development of natural resources on federal lands and opening more federal lands for market-based leases.
6. Requirements directing Federal Land Management Agencies to utilize all the existing authorities to actively manage their lands according to multiple use principles and that

also requires them to account for all projects and methods they have used to the governor's office of each respective state and each County governing body where those federal lands exist.

7. Requiring that any projects that are stopped by legal action be immediately remedied and turned back out for implementation.

Background: The majority of western counties have Forest Service, Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS) and/or National Park Service lands within their counties.

Current management of these public lands is not sustainable and adequate husbandry and silvicultural practices have been impeded through statutory, regulatory and administrative processes as well as the un-intentioned uses of the Equal Access to Justice Act (EAJA) and Endangered Species Act (ESA).

Additionally, current management practices have created public health, public safety and financial liabilities to the federal, state and local governments.

The United States of America has an unmanageable national debt. The National Forests, BLM, NPS, and USFWS, and other federally owned lands have enormous potential for responsible resource development that would generate substantial and sustainable source of revenue that would more than adequately fund the management of federal lands.

Fiscal/Urban/Rural Impact: Significantly increased economic activity on federal land would improve local county financial condition.

Sponsors: Mike Murray, Commissioner, Lewis and Clark County, MT; Lesley Robinson, Commissioner, Phillips County, MT; Greg Chilcott, Commissioner, Ravalli County, MT; Todd Devlin, Commissioner, Prairie County, MT

PROPOSED RESOLUTION ON THE ENDANGERED SPECIES ACT

Issue: The Endangered Species Act (ESA).

Proposed Policy: The National Association of Counties (NACo)

1. Supports legislation that states decisions to list species as threatened or endangered are made through best available science with increased transparency and timelines for decisions.
2. Supports strengthening the influence of local participation so that local collaborative processes and recommended species management policies are not overridden by local and national fringe groups.
3. Supports inclusion of the consideration of the economic impacts to local economies from any species management decisions.
4. Supports legislation requiring that the ESA recognize and allow consideration of the predation of threatened or endangered species by natural events, as well as human activities (such as predator impacts and weather-related events).

Background: The present implementation of the ESA has caused expensive delays to public works infrastructure development and maintenance projects across the United States.

To paraphrase the American Public Works Association, "At issue is the need to reform the ESA to build stronger relationships, to reduce delay and uncertainty for states, local governments, private industry, and individuals: and to provide greater administrative flexibility that minimizes disruption and harmful socio-economic effects while continuing to conserve and preserve America's priceless environmental heritage."

Fiscal/Urban/Rural Impact: Significant savings to counties implementing public works projects.

Sponsors: Mike Murray, Commissioner, Lewis and Clark County, MT; Lesley Robinson, Commissioner, Phillips County, MT; Greg Chilcott, Commissioner, Ravalli County, MT; Todd Devlin, Commissioner, Prairie County, MT

PROPOSED RESOLUTION IN SUPPORT OF REAUTHORIZING THE FEDERAL LAND TRANSACTION FACILIATATION ACT

Issue: Reauthorizing the Federal Land Transaction Facilitation Act (H.R. 2068)(S. 368).

Proposed Policy: The National Association of Counties (NACo) supports reauthorization of the Federal Land Transaction Facilitation Act, a balanced approach to western lands that facilitates the sale Bureau of Land Management (BLM) lands identified for disposal, which generates revenue for high-priority conservation.

Background: Originally enacted in 2000 (P.L. 106-248)(led by Senators Domenici (R-NM) and Bingaman (D-NM)), FLTFA is a western lands program that facilitates strategic BLM land sales in order to provide funding for high-priority land conservation within or adjacent to federal lands in the eleven contiguous western states and Alaska. FLTFA expired in 2011. Without FLTFA, BLM has little capacity or incentive to sell land even when it has be identified as ripe for disposal; the public-private "checkerboard" of lands in the West remains frozen; and counties, communities, ranchers, businesses, landowners and others are unable to buy BLM lands identified for disposal through an efficient mechanism. FLTFA provides funding for BLM, USFS, NPS, and USFWS land conservation projects that increase public access for hunting, fishing and outdoor recreation; conserve wildlife habitat; protect water quality; and preserve historic and cultural resources. While most of the FLTFA revenue is utilized for these critical conservation projects, four percent returns to the state where the BLM lands were sold, and up to twenty percent is used to administer the program and support the realty work. A diverse set of over 150 groups support FLTFA as a useful tool for rationalizing public lands in the West, including Western Governors' Association, Public Lands Council, and many western counties, outdoor industry groups, conservation groups, and sportsmen's organizations.

Fiscal/Urban/Rural Impact: FLTFA is an important tool to help resolve the "checkerboard" of public-private lands in the West, as it helps consolidate various interests in local, private, and public lands. FLTFA resulted in a net decrease of federal land during its existence from 2000-2011. For every three federal acres sold, approximately two federal acres of high-value, high-priority lands were acquired, i.e. approximately 27,200 acres sold and 18,100 acquired. The acres

sold were often purchased by ranchers, businesses or counties to expand their operations or meet local public needs. The acres acquired were important parcels that protected critical resources and increased public access for outdoor recreation, supporting the outdoor recreation economy that generates $646 billion in consumer spending and 6.1 million direct jobs a year. FLTFA is important for counties that would like to purchase nearby BLM lands identified for disposal. FLTFA is also an important funding source for counties and states that desire to divest of lands, for example state school trust lands that are surrounded by federal areas. FLTFA is fiscally responsible and self-supporting: BLM land sales revenue funds the program. FLTFA reauthorization decreases the federal deficit and there are no federal appropriations associated with the program.

Sponsor: Wyoming County Commissioners Association

TELECOMMUNICATIONS AND TECHNOLOGY STEERING COMMITTEE

PROPOSED RESOLUTION TO BRING 21ST CENTURY EDUCATION TO AMERICA'S COUNTIES

Issue: 40 million of America's K-12 students are being left behind without the Internet access and Wi-Fi they need to succeed in the global economy.

Proposed Policy: The National Association of Counties (NACo) urges swift action to improve and modernize the E-Rate program in order to connect schools and libraries in every county in America with high-speed broadband within the next five years. We support efforts to modernize, expand, and strengthen the successful E-Rate program by increasing bandwidth goals, streamlining the application process, focusing on broadband by phasing out funding for non-broadband services such as paging and voicemail, and strengthening the buying power of our communities to purchase bandwidth by providing more options.

Background: Across the country, counties have benefitted tremendously from the E-Rate program as county schools and libraries have connected to the Internet. But too often today, these schools and libraries lack the broadband speeds they need to take full advantage of digital learning opportunities. That is why in July, with a unanimous and bipartisan vote, the FCC launched an historic effort to modernize the successful E-Rate program in order to connect 99 percent of America's students to high speed broadband within five years.

Counties often play an integral role in connecting schools and libraries to the Internet. Increasing school connectivity can create multiplier effects that increase broadband connectivity throughout a county. These synergies are especially critical in rural counties where broadband deployment can cost as much as six times more than other areas. And if the E-Rate program is modernized and expanded, it will bring needed resources to county schools and libraries as more discounts will become available.

E-Rate modernization is also an opportunity to leverage the investments that counties have already made in their own network infrastructure. In many cases, county governments have deployed their own networks, or lease Internet access from a provider and are able to leverage institutional synergies and economic incentives to create unique efficiencies for schools and libraries. As a result, local governments are often able to deploy high speed networks that enable school districts to take advantage of high speed networks that are scalable, future proof, and affordable.

For example, in a joint reply comment with the National Association of Telecommunications Officers and Advisors and the New America Foundation's Open Technology Initiative to the FCC in 2010 we urged, "the Commission should move forward with its proposal to make the leasing of dark fiber from any source eligible for E-Rate funding starting in Funding Year 2011. Furthermore, the Commission should go further and make the leasing of lit fiber from local anchor institution networks eligible for E-Rate funding. The best way to maximize the benefits of the E-Rate program and provide the most efficient use of funds is to provide schools and libraries with as many options as possible so that they can choose the broadband source that will provide them with the most efficient option."

By leveraging county investments, the E-Rate can be an important county resource for building the technology infrastructure that enhances the education experience of students.

Fiscal/Urban/ Rural Impact: Would provide schools and libraries in every county with more federal funds and more cost effective ways to purchase high-speed broadband that will deliver 21st century tools to the hands of American schoolchildren.

Sponsor: Lee Bonner, Commissioner, Douglas County, NV

PROPOSED RESOLUTION ON THE CRITICALITY OF ACCESS TO BROADBAND INTERNET AND CELLULAR PHONE TECHNOLOGY IN RURAL AREAS

Issue: Access to technology is a critical factor in enabling competitiveness in an increasingly competitive global environment and many rural areas are lagging behind in the availability of this access.

Proposed Policy: NACo urges Congress to aggressively expand Rural Utility Service (RUS) capability to ensure the availability of adequate resources to enable sufficient investment in technology infrastructure to provide a level playing field for all Americans.

Background: Just as the Rural Electrification Administration program was established in the 1930's to improve American farm productivity and put America on a more competitive plane with Europe, a similar need exists today in order to enable Americans to remain competitive in a global economy. Two key evaluation criteria today, when pursuing economic development initiatives, are the availability of Broadband and cell phone technologies. Lacking either of these vital infrastructure components, which are often mutually inclusive, virtually ensures that a community will be bypassed for consideration. Today, 80.7 percent of Americans live in urban areas, up from 79.2 percent in 2000. Consequently, the political power is concentrated in the urban areas, often at the expense and to the detriment of rural America. Technology infrastructure investments in rural America have not kept pace with investments in urban areas. The lack of population density in the rural areas is a significant factor influencing the ability of local government to meet some of the most basic functions in providing for the citizenry, i.e. the availability of personnel resources to provide vital emergency services is limited. Prudent and reasonable deployment of technology can be a significant factor in mitigating these challenges. In addition to enhancing the economic development potential, there are also opportunities in education, medical services in general and a general quality of life enhancement.

Fiscal/Urban/Rural Impact: Would provide the incentive for private investment where there is a perception/reality of a low return on investment.

Sponsor: Gene McConnell, Commissioner, Pendleton County, WV

TRANSPORTATION STEERING COMMITTEE

PROPOSED RESOLUTION IN SUPPORT OF FEASIBLE AND SAFE IMPLEMENTATION OF RAILROAD QUIET ZONES THROUGH MODIFICATION OF THE TRAIN NOISE RULE

Issue: Train horn noise and its disruptive impact on local communities.

Proposed Policy: The National Association of Counties (NACo) urges Congress and the Federal Railroad Administration (FRA) to reexamine the Train Horn Rule (49 CFR, Part 222, the Use of Locomotive Horns at Highway-Rail Grade Crossings) in order to determine how local communities can feasibly implement quiet zones without insurmountable costs, requirements and processes while also continuing to protect public safety. Additionally, NACo encourages Congress to provide new or unobligated federal funds to localities for the express purpose of establishing quiet zones.

Background: Train horn noise can be a considerable and disruptive nuisance to residents in local communities and has been cited as a deterrent to economic and residential development, discouraging businesses and housing developers from building or locating in the heart of communities. The Train Horn Rule, established in 2005 to protect public safety at railroad crossings, requires train operators to sound train horns at specified levels of at least 96 decibels at crossings in town centers and residential areas even when there are signals and crossing gates, unless a quiet zone has been implemented.

The Train Horn Rule allows for communities to create quiet zones in which train operators are not required to sound the horns. However, the steps that communities must take to establish quiet zones are onerous and prohibitively expensive. Implementation of the requisite studies and new infrastructure for quiet zones costs local communities hundreds of thousands or even millions of dollars and many communities have numerous crossings in their populated area which multiplies the expense significantly.

Greater flexibility is needed to allow for local communities to establish quiet zones in a way that is economically feasible yet also continues to protect the public's safety at rail crossings. A variety of less costly options exist that currently are not permitted. For example, through examination of accident data, frequency of crossings and other factors, it likely would be determined that in many cases a simple gate or lighted sign might be appropriate. It is important that Congress and the Federal Railroad Administration work with the nation's counties to reexamine the Train Noise Rule to allow communities to create quiet zones without onerous requirements and prohibitive expense.

In addition to reexamining the Train Noise Rule, efforts are underway to identify federal funding to help finance quiet zones. One such idea is to use a portion of unobligated transportation funding to provide grants to localities for the direct costs associated with establishing quiet zones. Adequate, dedicated funding along these lines would be a huge help to communities nationwide.

Fiscal/Urban/Rural Impacts: Modifying the Train Noise Rule for greater flexibility would enable rural and urban local communities to more affordably implement safety measures that

allow for decreased train horn nuisance noise in town centers and residential areas. The decreased nuisance noise would improve quality of life and support economic development and vitality. Additionally federal grant funding for quiet zones would help off-set the cost of implementing such zones to communities nationwide.

Sponsor: Colorado Counties, Inc.

PROPOSED RESOLUTION ON INNOVATIVE TRANSPORTATION INFRASTRUCTURE FINANCE

Issue: Support innovative transportation financing mechanisms designed to leverage federal dollars.

Proposed Policy: The National Association of Counties (NACo) supports innovative financing mechanisms including, but not limited to, qualified tax credit bonds; infrastructure banks; the Transportation Infrastructure Finance and Innovation Act (TIFIA); and public-private partnerships--that would allow local jurisdictions, such as counties, to leverage federal financing for capital projects.

Background: As federal resources are increasingly constrained, innovative transportation financing mechanisms can help attract substantial private and other non-federal investment, speed the completion of critical transportation infrastructure projects and more effectively utilize existing funds. While these mechanisms are not a substitute for traditional transportation finance through funding from the Highway Trust Fund, they can be effective tools to augment and enhance traditional grant and formula based funding.

Based on current spending and revenue trends, the U.S. Department of Transportation (DOT) estimates that the Highway Trust Fund will encounter a shortfall before the end of FY 2014 and the agency recently reported that it may have to slow payments to states and counties during peak construction to avoid empting the Highway Trust Fund. New tools are needed to leverage limited federal dollars while continuing to invest in the nation's crumbling infrastructure. Innovative transportation finance mechanisms are supported by such groups as the US Chamber of Commerce and the American Public Transit Association.

Rural/Urban/Fiscal Impact: Additional innovative transportation financing mechanisms would help attract substantial private and other non-federal investment and speed the completion of critical regionally significant transportation infrastructure projects.

Sponsor: Patrick Dechellis, Deputy Director, Los Angeles County Department of Public Works