

NACo Legislative Bulletin

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Bipartisan Senate Deal Would Provide Funding for PILT and SRS, NACo Advocacy Efforts Critical

Senators reached a bipartisan agreement on Wednesday, October 5 to reauthorize the Secure Rural Schools (SRS) program and fund the Payments in Lieu of Taxes (PILT) Act for five more years. The bipartisan agreement, announced by Senate Energy and Natural Resources Chairman Jeff Bingaman (D-N.M.) and ranking member Lisa Murkowski (R-Alaska) represents a strong commitment from the United States Senate to support key programs critical to nearly 2,000 counties nationwide.

The Act would provide more than \$1.5 billion to roughly 700 counties with national forest lands to support public schools, county road improvement and maintenance projects, forestry projects, and wildfire risk reduction programs. It also would extend funding under the PILT program to more than 1,900 counties in 49 States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands to help fund essential county government programs.

Payments in lieu of taxes, often called PILT, are federal payments to local governments that help offset losses in property taxes due to federal lands within their boundaries. NACo worked to raise the profile of the critical need to reauthorize these programs over the past several years, including a successful PILT fly-in in early September 2011.

NACo supports reauthorization of the Secure Rural Schools and Community Self-Determination Act (PL110-343) which officially expired last week. Furthermore, counties support continuation of three important goals or provisions under the Act: 1) active management and restoration of federal forests; 2) revenue sharing consistent with historic federal land



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management receipts with states, counties and school districts, and 3) collaborative processes such as the Resource Advisory Committees (Title II) and community fire planning (Title III).

While NACo supports the Senate's efforts to reauthorize the SRS program, it is important to recognize that the funding levels and annual 5 percent rampdown offered in the proposal will present continued challenges to a number of forested counties. NACo will continue to work closely with members of Congress to address job creation and forest management legislation to provide a long term solution to providing sustainable revenue sharing with forested counties. NACo believes that a straight reauthorization is only part of the solution and pursuing management and restoration of the nation's forests will generate tremendous environmental and social benefits and create needed jobs and revenue for rural economies.

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Brooks Wins Vote for County Jails in HRSA Negotiated Rulemaking Committee

Tarrant County (Texas) Commissioner Roy Brooks won an important vote for counties at the September meeting of a Negotiated Rulemaking Committee mandated by the Affordable Care Act (ACA) to develop a new process for the Health Resources and Services Administration (HRSA) to designate Health Professional Shortage Areas (HPSAs), Medically Underserved Areas (MUAs) and Medically Underserved Populations (MUPs).

Brooks, the only elected official on the committee of 28 stakeholders, appointed by Health and Human Services Secretary Kathleen Sebelius, successfully argued for permitting county correctional facilities to be designated as HPSAs on equal par with state and federal facilities. HPSA designation permits the facility to request the addition of National Health Service Corps volunteers or J-1 visa holders to their medical staff. All the non-federal members of the committee supported Brooks' motion. County jails had earlier been allowed to be designated as HPSAs but in recent years HRSA changed its interpretation of the statute and gradually removed the county facilities' designations.

The Committee, which has been meeting monthly in the DC area for over a year, hopes to achieve consensus on its recommendations to the Secretary at its meeting October 12-14. If consensus is reached, the new designation process will be issued as an interim final rule, that is, one that takes immediate effect, but is open for public comment for a period of time.

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GASB Deadline on Pension Accounting and Financial Reporting Proposals Approaching. Comments Due Oct. 14

GASB has issued exposure drafts of extensive revisions to its current standards on accounting by and for pension plans maintained by governmental entities (GASB Statements Nos. 25 and 27). The exposure drafts call for extensive changes from current public-sector pension accounting practices, which will have a significant impact on state and local government reporting requirements.

In particular, governments would be required to put the net pension liability on their balance sheets rather than the existing practice of reporting their payment of the annual required contribution. While GASB has continued to recognize the long-term nature of governments and their obligations in a number of respects, the Board's decision to separate pension accounting from long-term funding costs represents a radical departure from long-held practice. This departure will create much confusion in that the numbers used for accounting purposes would no longer be the same as what is used for pension funding and governmental budgeting purposes. Furthermore, all government entities would be required to comply by FY 2012-2013, creating an increased administrative burden for pension related financial reporting for state and local governments.

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NACo is preparing comments to send to GASB. GASB will accept written comments until Oct. 14, 2011 and hold public hearings in October. GASB's goal is to have final standards in place by June 2012. Those wishing to comment on the exposure drafts in writing and/or by testifying at the October public hearings must contact [GASB](#) by October 14, 2011
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EPA's Pesticide Permit Program Moves Forward on October 31 unless Congress Acts - Urge your Senators to support H.R. 872

As a testy political game plays out between two powerful Senate Committees, the fate of a national pesticides permit program that will significantly impact counties rests in the balance.

In March, the House of Representatives passed the Reducing Regulatory Burdens Act (H.R. 872). The bill was referred to Senate Agriculture Nutrition and Forestry Committee and passed out of the committee in June. But Senate Environment and Public Works (EPW) Chair Barbara Boxer (D-Calif.) and Senator Ben Cardin (D-Md.) put a hold on the measure after arguing that the bill also should have been referred to the Senate EPW Committee for review because of its impacts to water quality. Until these concerns are worked out, H.R. 872 remains in limbo. This means the Environmental Protection Agency (EPA) permit program will move forward October 31 as planned, even though a number of states are not ready to implement it nor has consultation been finished with other impacted federal agencies.

H.R. 872 is especially important for county governments who serve as primary service providers for their residents. The pesticide regulations would have a huge impact on county government activities associated with public health, land use, forest and park management, flood control, transportation projects, air and water programs, invasive species control, and endangered species protection by requiring tight monitoring and paperwork requirements for all applications. A new twist has been added to this debate. As part of EPA's efforts to comply with the 6th Circuit decision to implement a pesticide NPDES general permit (PGP) for pesticides used in, over or near waters of the US, the EPA has been required to consult with the National Marine Fisheries Service (NMFS) for possible Endangered Species Act (ESA) implications for endangered or threatened species (listed species) or their critical habitat (habitat). After a year of consultation, NMFS recently concluded in its draft biological opinion (BiOp) that implementation of EPA's PGP, as currently written, would likely jeopardize the continued existence of 33 species of salmon, steelhead, smelt, sturgeon, and whales listed as endangered or threatened under the ESA and 29 habitats listed as critical to the survival of those species. NMFS proposed a Reasonable and Prudent Alternative (RPA) that would require significant and burdensome changes to the permit by requiring NMFS to consult on every application and application decision makers to file Notice of intent (NOI) and Annual Reports, regardless of size of entity or treatment area.

H.R. 872 was introduced as a bipartisan response to a court ruling on National Cotton Council v. EPA (6th Cir. 2009), which instructed the Environmental Protection Agency (EPA) to move forward with federally regulating pesticides under the National Pollution Discharge Elimination System (NPDES) permit. The EPA is under court ordered deadline to produce a permit by October 31.

NACo supports using pesticides in accordance with the instructions on the label and supports strong penalties for those who misuse pesticides in FIFRA. NACo also strongly supports H.R. 872. Urge your Senators to support H.R. 872.

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EPA Releases Gulf Coast Task Force Ecosystem Restoration Strategy - Public Review and Feedback Period October 5-26, 2011

After months of meetings, the Gulf Coast Task Force Ecosystem under the Environmental Protection Agency (EPA) released its preliminary Gulf of Mexico Regional Ecosystem Restoration Strategy report. The report will be

open for public comment until October 26, 2011.

President Barack Obama created the Gulf Coast Ecosystem Restoration Task Force on October 2010 as a response to the DeepwaterHorizon oil spill. The purpose of the Task Force was to look at long-term conservation and restoration of the Gulf Coast. The Task Force makes recommendations in four areas: restore and conserve habitat; restore water quality; replenish and protect living coastal and marine resources; and enhance community resilience. To read the report please click [here](#).

All public comments should reference Docket ID No. EPA-HQ-OA-2011-0798. Public comments can be submitted in several ways:

- 1) Web Comment Form at Regulations.gov;
- 2) Email: oei.docket@epa.gov;
- 3) Fax: (202) 566-9744 or
- 4) Mail: U.S. Environmental Protection Agency, EPA Docket Center, Office of Environmental Information Docket, Mail Code 28221T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
Contact: [Julie Ufner](mailto:Julie.Ufner@epa.gov) • 202/942-4269

Spending Bill to Keep Government Running until November 18 Approved

During the week, the House passed H.R.2608, the Continuing Appropriations Act of 2012, and the President signed the measure into Public Law (P.L.112-36). The legislation would set government spending at the \$1.043 trillion level agreed to in the debt limit law (PL 112-25) enacted in August, provides \$2.65 billion dollars for the Federal Emergency Management Agency's (FEMA) Disaster Relief Funding account, and extends the National Flood Insurance Program (NFIP) until November 18, 2011.

On September 26, the Senate passed both H.R 2017 and H.R. 2608 and left town for recess. With the House also out of town for recess, Representatives enacted H.R 2017 in a brief pro forma session which kept federal government programs in operation until October 4, 2011. Debate on H.R. 2608 or the longer term stopgap funding measure was approved by a House vote of 352-66 this week, and federal government programs will continue to operate until November 18, 2011.

As a result of the government's action over the last two weeks, FEMA lifted Immediate Needs Funding restrictions on disaster assistance which had been in place since August 27. Residents and businesses in some 20,000 participating NFIP communities will continue to be able to purchase flood insurance until at least November 18, 2011.

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White House Rural Council Feedback Report Released

The White House Rural Council released its "Feedback from Rural America" Report on September 30. On June 9, 2011, President Obama signed an Executive Order establishing the White House Rural Council. Since the establishment of the Council, the President, the Secretary of Agriculture Tom Vilsack, and various senior Administration officials made nearly 200 visits to rural communities throughout the country. NACo members and leadership participated in many of these listening sessions. NACo's rural leadership also participated in the Rural Economic Forum held on August 16 in Peosta, Iowa, and presented NACo's rural priorities directly to the President.

The Feedback Report summarizes the findings of these listening sessions and states that the White House Rural Council will work on the issues in the report. Many of NACo's rural priorities were included in the report. These include the highest ranking agricultural issue, which was to improve resources for new and beginning farmers. More broadly on rural economic development, the report highlights the need to enhance rural infrastructure, support renewable energy development and support small business development, including micro loan programs, increased access to capital for rural entrepreneurs, and regional planning and development

initiatives. The report also mentions the longstanding NACo priorities of increasing certainty and providing flexibility for rural areas dealing with federal regulations, streamlining application and reporting processes and expanding technical assistance. Please click here for the [report](#).

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New CMF Report Highlights Difficulties, Emerging Trends in Managing Congressional Communications

A new [report](#) released on October 4, 2011 by the [Congressional Management Foundation](#) highlights the changing mail operations of Congressional offices over the past several years. Congress has seen a 1,000-fold increase in communications despite not increasing the size of personal office staff in more than 30 years.

Unsurprisingly, the report reveals that as an office more readily approaches technological innovation, they become better-equipped to successfully manage the deluge of communication—of the congressional offices designated as ‘early adopters’ (defined as ‘among the first to use new communications tools’) more than 60 percent responded that they have “sufficient resources to manage” communications. Only 38 percent of the ‘late adopters,’ the last to adopt a new communications tool, felt they were sufficiently prepared. Other highlights from the report:

- Between 2005-2010, the survey reported a nearly 50 percent increase in the response “our offices answer all or most incoming constituent mail with email” (86 percent). Only 6 percent of congressional offices reported they do not reply with email to any email from constituents.
- A majority of House and Senate staff report having to spend more time and shift resources from other priorities, but are still having problems replying to communications within a two-week turnaround—59 percent of staffers estimate a less-than-a-week turnaround if pre-existing text exists, but if new language must be drafted, 42 percent of staffers estimate responses to take longer than three weeks.
- Two major issues facing the management of constituent communications: Amount of mail and review/approval process. More managers than staffers believe that volume is the biggest issue.
- Read the report for the full story and check out CMF’s website for previous reports and to stay up-to-date on the latest communications trends in Congress.

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About NACo

National Association of Counties (NACo) is the only national organization that represents county governments in the U. S. NACo provides essential services to the nation’s 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public’s understanding of county government, assists counties in finding and sharing innovative solutions through education and research and provides value-added services to save counties and taxpayers money.

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