

SCR006S01 compared with SCR006

~~{deleted text}~~ shows text that was in SCR006 but was deleted in SCR006S01.

inserted text shows text that was not in SCR006 but was inserted into SCR006S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Ralph Okerlund proposes the following substitute bill:

**CONCURRENT RESOLUTION CALLING ON CONGRESS TO ~~{~~
~~FULLY FUND}~~ PROVIDE PERMANENT MULTIYEAR FUNDING FOR
**THE ~~{PAYMENTS}~~ PAYMENT IN LIEU OF TAXES ~~{~~
PROGRAM****

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: _____

LONG TITLE

General Description:

This concurrent resolution of the Legislature and the Governor calls on the United States Congress to ~~{fully fund}~~ provide permanent multiyear funding for the federal ~~{Payments}~~ Payment in Lieu of Taxes (PILT) program ~~{ for fiscal year 2014 and to authorize continued responsible multiyear full funding of PILT}~~ in future years.

Highlighted Provisions:

This resolution:

- ▶ recognizes the unprecedented failure of Congress to fund the federal

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~~{Payments}~~Payment in Lieu of Taxes (PILT) program in its ~~{2014}~~ Consolidated Appropriations Act, 2014;

- ▶ recognizes the serious financial hardship Utah counties face if they do not receive ~~{fiscal year 2014}~~timely annual PILT payments~~{ by June 2014}~~;
- ▶ recognizes the vital need of Utah counties to have PILT funding certainty while engaging in their annual county budget processes;~~{~~

~~calls on Congress and members of Utah's congressional delegation to give serious consideration to those current pending legislative vehicles, including the pending Agricultural Act of 2014, which are best calculated to successfully carry PILT to full 2014 funding at the earliest opportunity;}~~ and

- ▶ calls on Congress to establish reliable year-to-year funding authorization for PILT so counties may have certainty in their annual budget processes.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the federal ~~{Payments}~~Payment in Lieu of Taxes (PILT) program was established in 1976 to offset costs incurred by counties for services provided to the federal government and to the users of public land;

WHEREAS, according to State Tax Commission data and a report prepared by the Utah Automated Geographic Reference Center (AGRC), the percentages of federal land in each county that the county cannot tax – consisting of land managed by the Bureau of Land Management (BLM), the United States Forest Service, the ~~{United States}~~ National Park Service, and the United States Fish and Wildlife Service – are as follows:

- Beaver 77.2% - County still provides services on this land
- Box Elder 28.79% - County still provides services on this land
- Cache 38.13% - County still provides services on this land
- Carbon 47.51% - County still provides services on this land
- Daggett 80.50% - County still provides services on this land
- Davis 9.63% - County still provides services on this land
- Duchesne 44.77% - County still provides services on this land

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Emery 79.66% - County still provides services on this land
Garfield 94.25% - County still provides services on this land
Grand 74.67% - County still provides services on this land
Iron 57.73% - County still provides services on this land
Juab 72.30% - County still provides services on this land
Kane 86.18% - County still provides services on this land
Millard 77.20% - County still provides services on this land
Morgan 4.42% - County still provides services on this land
Piute 73.95% - County still provides services on this land
Rich 32.21% - County still provides services on this land
Salt Lake 19.32% - County still provides services on this land
San Juan 66.48% - County still provides services on this land
Sanpete 51.40% - County still provides services on this land
Sevier 77.15% - County still provides services on this land
Summit 43.78% - County still provides services on this land
Tooele 44.32% - County still provides services on this land
Uintah 58.94% - County still provides services on this land
Utah 43.07% - County still provides services on this land
Wasatch 56.13% - County still provides services on this land
Washington 83.21% - County still provides services on this land
Wayne 98.26% - County still provides services on this land
Weber 14.23% - County still provides services on this land;

WHEREAS, according to the average of estimates from the National Association of Counties, in 2013, PILT funding was about \$0.66 per acre of federal land to which PILT applies;

WHEREAS, \$0.66 per acre is far below the amount those lands would return through value-based taxation if those lands and their facilities were subject to county taxation;

WHEREAS, annual PILT payments to Utah counties, which exceeded \$35.3 million in 2013, have become an important component of county budgets and help Utah counties provide necessary basic services on federal lands, ranging from search and rescue to law enforcement activities;

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WHEREAS, removal of this annual \$35.3 million funding stream for 2014 will prove detrimental to many counties in Utah that have conducted their budgeting under the assumption that they would receive at least that same amount for 2014;

WHEREAS, in April 2013, the United States Department of the Interior made an annual budget request to Congress for approximately \$410 million nationwide for PILT;

WHEREAS, a deficit neutral placeholder for the Department of the Interior's PILT request was set to be included in the ~~{2014}~~ Consolidated Appropriations Act, 2014;

WHEREAS, actual PILT funding, however, was not included in the final version of the bill that Congress passed January 16, 2014, and the President signed on January 17, 2014;

WHEREAS, it is unprecedented that Congress has failed to include PILT funding in its major consolidated appropriations legislation;

WHEREAS, Congress did appropriate \$740.9 million in the ~~{2014}~~ Consolidated Appropriations Act, 2014, for wildland fire management activities, more than tripling BLM's initial fire management budget request of \$201.3 million;

WHEREAS, this funding amount represented approximately 77% of the \$956.9 million that Congress appropriated for BLM's fiscal year 2014 basic operating budget;

WHEREAS, it appears that the Department of the Interior's initial 2014 funding request of \$410 million for PILT and other funds was absorbed, without explanation, into the department's final appropriation for wildland fire management, increasing that account by \$539 million, from the \$201.3 million requested, to \$740.9 million;

WHEREAS, the Department of the Interior's wildland fire management budget would not be so large if the department would manage its lands responsibly for multiple use and sustained yield, as the state of Utah and counties in Utah have continually urged, and as the ~~{1976}~~ Federal Land Policy and Management Act of 1976 directs;

WHEREAS, counties in Utah are required to provide law enforcement, search and rescue, emergency medical services, road building and maintenance, and other community services on, or associated with, tax-exempt federal public lands;

WHEREAS, failure to provide a revenue source for PILT places a large, unsustainable burden squarely on the backs of county taxpayers and critically impacts the budget process and solvency of some public land counties;

WHEREAS, ~~{a bipartisan effort is currently being developed in Congress to include~~

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~~PILT funding in the pending Agricultural Act of~~ the United States House of Representatives on January 30, 2014, and the United States Senate on February 4, 2014, H.R. 2642, passed the Federal Agriculture Reform and Risk Management Act of 2013, known as the Farm Bill or the Agricultural Act of 2014;

WHEREAS, the Farm Bill provides for a one-year extension of PILT funding for federal fiscal year 2014;

WHEREAS, ~~{besides this pending legislation, there does not appear to be}~~ had the Farm Bill not included a one-year PILT funding provision, there would not have been significant fiscal year 2014 authorizing bills with bipartisan support remaining in Congress to carry the 2014 PILT to full funding;

WHEREAS, Congress, including members of Utah's delegation, should prudently and practically give serious consideration to ~~{the major authorizing bills in Congress, including the pending Agricultural Act of 2014, that are calculated to most likely carry PILT forward to full funding for fiscal year 2014, in order to protect counties in Utah from economic and fiscal harm}~~ preventing future recurrences of the PILT funding crisis that the counties of Utah had to face this year, with all of the uncertainty that accompanied this crisis;

WHEREAS, the counties of Utah need and deserve long-term stability in PILT funding in a timely manner year to year, so that counties may establish their own annual operating budgets with timeliness and certainty;

WHEREAS, PILT is the program by which the federal government pays a portion of the value of vital municipal services that counties provide to the federal government in its role as a major land owner in the state;

WHEREAS, PILT funding should not be perennially tied to a farm bill but should have priority stand-alone treatment as a major appropriation, a cost properly born by the federal government as an untaxed major landowner in the West for county municipal services provided; and

WHEREAS, Congress should legislate and authorize full PILT funding in multiyear blocks to give counties in Utah stability and predictability when setting their upcoming calendar year operating budgets:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein:

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1. recognizes the unprecedented failure of Congress to fund ~~{Payments}~~ Payment in Lieu of Taxes payments (PILT) in the ~~{2014}~~ Consolidated Appropriations Act, 2014, and the uncertainty that prevailed for counties until 2014 PILT was finally provided in the 2014 Farm Bill;

2. recognizes the serious financial hardship many counties in Utah ~~{face}~~ would have faced if they ~~{do}~~ had not ~~{receive}~~ received fiscal year 2014 PILT payments by June of 2014;

3. recognizes the vital need of Utah counties to have timely PILT funding certainty while engaged in their annual county budget processes;

4. calls on Congress and members of Utah's congressional delegation to give serious consideration to ~~{those current pending legislative vehicles, including the pending Agricultural Act of 2014, which are best calculated to successfully carry PILT to full 2014 funding at the earliest opportunity; and~~

~~5}~~ preventing future recurrences of the PILT funding crisis that the counties of Utah had to face this year, with all of the uncertainty that accompanied this crisis;

5. calls on Congress to provide long-term stability in PILT funding in a timely manner year to year so that counties may establish their own annual operating budgets with timeliness and certainty;

6. calls on Congress to not perennially tie PILT funding to a farm bill but give PILT priority stand-alone treatment as a major appropriation, a cost properly borne by the federal government as an untaxed major landowner in the West for county municipal services provided; and

7. calls on Congress to establish reliable multiyear funding authorization for PILT so that counties may have certainty in their annual budget processes.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and ~~{to}~~ the members of Utah's congressional delegation.

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Legislative Review Note

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~~as of 1-28-14 1:05 PM~~

~~Office of Legislative Research and General Counsel}~~