NATIONAL ASSOCIATION OF COUNTIES

ADOPTED INTERIM POLICY RESOLUTIONS

2015 NACo LEGISLATIVE CONFERENCE

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COMMUNITY, ECONOMIC AND WORKFORCE DEVELOPMENT
STEERING COMMITTEE

Resolution Supporting Reauthorization and Appropriations for the Department of Commerce’s Economic Development Administration

Issue: Appropriations and reauthorization legislation for the U.S. Department of Commerce’s Economic Development Administration (EDA).

Adopted Policy: NACo urges Congress to support reauthorization and appropriations for the U.S. Department of Commerce’s EDA to keep communities strong and economically viable at a time when our nation needs it the most.

Approved | February 23, 2015

Resolution on the National Housing Trust Fund

Issue: Allocation of National Housing Trust Fund (HTF) resources.

Adopted Policy: NACo urges Congress and the U.S. Department of Housing and Urban Development (HUD) to provide for the allocation of HTF funds to local governments. Driving HTF resources to the local and county levels will ensure these federal affordable housing resources are effectively targeted and tailored to meet the unique and individualized affordable housing needs of local communities across the nation. In the event that increased HTF resources become available, Congress and HUD are also urged to provide a formula allocation of HTF resources directly to local governments.

Approved | February 23, 2015

Resolution on FY2016 Appropriations for the Department of Housing and Urban Development


Adopted Policy: NACo urges Congress to support the following levels of funding for core U.S. Department of Housing and Urban Development (HUD) programs in the FY2016 Transportation, Housing and Urban Development, and Related Agencies 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, tenant-based contracts and administrative fees and $500 million in Section 108 Loan Guarantee authority.

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

Approved | February 23, 2015
ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE

Resolution on Allowing Publicly Owned Treatment Works to Operate as Designed, Including Peak Wet Weather Flow Management Techniques Such as Blending

Issue: During heavy rain events Publicly Owned Treatment Works (“POTWs” a/k/a wastewater treatment plants) “overflow” the increased storm water around the primary treatment plant, blend the overflow back into the treated water from the primary treatment plant, and then discharge (“blending”). The EPA is attempting to bypass the normal rulemaking process and ban blending.

Adopted Policy: NACo supports the crafting and uniform application of Clean Water Act regulations and permits such that Publicly Owned Treatment Works can operate their facilities in the manner in which they were designed and permitted, including the use of peak wet weather flow management techniques such as blending.

Approved | February 23, 2015

Resolution on the Environmental Protection Agency’s Efforts to Tighten Ozone Air Quality Regulations

Issue: The U.S. Environmental Protection Agency’s (EPA) effort to tighten ozone air quality standards.

Adopted Policy: NACo opposes implementation of the EPA’s proposed 2015 National Ambient Air Quality Standards (NAAQS) for ozone until the 2008 NAAQS for ozone have been fully implemented.

Approved | February 23, 2015

Resolution on the Creation of a National Program to Allow States to Offset Air Pollution Exceedances

Issue: Giving states the flexibility to manage air pollution within their borders.

Adopted Policy: NACo supports the creation of an EPA policy to grant states and local governments the authority to leverage air quality improvements in one region to offset the non-attainment status of another adjacent region during the same period to avoid non-attainment status in the region whose air quality exceeds the current standards.

Approved | February 23, 2015

Resolution on Executive Order Establishing a Federal Flood Risk Management Standard

Issue: The President issued an executive order creating a Federal Flood Risk Management Standard (FFRMS) that directs all agencies to use one of three resiliency criteria in their policies, projects, and programs receiving federal funding.
Adopted Policy: NACo urges the comment period on Executive Order 13690 be extended until June 30, 2015 and that the President and Congress direct all federal agencies to engage NACo and state and local government agencies prior to implementation.

Approved | February 23, 2015
FINANCE, PENSIONS AND INTERGOVERNMENTAL AFFAIRS
STEERING COMMITTEE

Resolution on Federal Voting Systems Standards

Issue: Federal voting system standards.

Adopted Policy: NACo endorses the principles developed by the Future Voluntary Voting System Guidelines (VVSG) Working Group that articulate a vision for the federal VVSG to effectively foster innovation and reduce the costs of upgrading and purchasing voting equipment.

Approved | February 23, 2015
HEALTH STEERING COMMITTEE

Resolution Supporting Amendment of 42 CFR Privacy Provisions to Create a Uniform Set of Regulations Based on HIPAA Privacy Rules

Issue: Interagency coordination to assist “high utilizers”


Approved | February 23, 2015

Resolution on Changes to the Health Insurance Portability and Accountability Act

Issue: Treatment providers for substance abuse disorders such as opiate abuse are not always fully aware of what the Health Insurance Portability and Accountability Act (HIPAA) does/does not allow when it comes to disclosing patient safety concerns to appropriate parties (i.e. family members or law enforcement officials). Furthermore, treatment providers are confined by strict language within HIPAA, which indicates disclosure is limited to when there is a threat of both “serious and imminent” danger to the patient or others.

Adopted Policy: NACo urges Congress to amend language in HIPAA to clarify that treatment providers may disclose their concerns about a patient’s safety to appropriate parties when they believe in “good faith” that there is a threat of “serious or imminent” danger to the patient or others. Currently, disclosure is limited to when there is a threat of “serious and imminent” danger to the patient or others.

Approved | February 23, 2015

Resolution on the Medicaid Institution for Mental Disease Exclusion

Issue: Needed revisions to the Medicaid Institution for Mental Disease (IMD) exclusion.

Adopted Policy: NACo calls on Congress to amend, but not eliminate, the current IMD exclusion for adults between ages 21 and 64, as follows:

For non-hospital, community-based mental health and substance use residential care for adults ages 21 to 64, the exclusion should be revised to reflect modern evidence based practices and current economic realities. Thus, for persons ages 21 to 64 served in these non-hospital residential placements of size 17 and larger through evidence based programs, up to 90 days of care per year should be eligible for federal reimbursement. Beyond 90 days, the IMD exclusion should still remain in effect.

For hospital-based mental health and substance use care for adults ages 21 to 64, the exclusion should be revised to reflect improvements and efficiencies that have been made in hospital-based care, plus the economic reality of modern managed care, which assures that only the most minimal, necessary, inpatient care is provided. Thus, for persons ages 21 to 64 served in these
hospital placements of size 17 and larger through evidence-based programs, up to 15 days of care
per year should be eligible for reimbursement. Beyond 15 days, the IMD exclusion should
remain in effect.

Approved | February 23, 2015

Resolution on the National Health Service Corps Loan Repayment Program

Issue: The eligibility of county jails for designation as health professional shortage areas for the
purpose of the National Health Service Corps.

Adopted Policy: NACo urges Congress to amend the National Health Service Corps loan
repayment program to allow county and municipal jails to be eligible for the program. Currently
county jails are prohibited from being designated as health professional shortage areas.
NACo urges Congress to review this policy and allow county and municipal jails to be
designated as health professional shortage areas.

Approved | February 23, 2015

Resolution on Maintenance of Effort for Essential Support Services for Persons with
Behavioral Health and Developmental Disabilities

Issue: State and local maintenance of effort for support services for persons with behavioral
health and developmental disabilities

Adopted Policy: NACo encourages, during implementation of the Affordable Care Act (ACA),
maintenance of effort for federal, state, county, mental health and behavioral health authorities
and city general revenue funds for social support programs that serve persons with behavioral
health and developmental disabilities, including the newly insured disability population; these
programs, particularly affordable housing and job supports, must be available so that persons
with disabilities can become and remain fully independent in their home communities.

Approved | February 23, 2015

Resolution on Treatment of Substance Use Conditions

Issue: Need for new policy on treatment for substance use conditions

Adopted Policy: Treatment for substance use conditions should be based upon proven evidence
based practices, including, when appropriate and necessary, medication assisted treatment. Such
care always should be accompanied by assessments of improvement and outcome to assure that
the care provided actually is working.

Approved | February 23, 2015
JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE

Resolution on Funding to Combat Child Sex Trafficking and to Assist its Victims

**Issue:** The commercial sex trafficking of children in urban and rural communities throughout the nation

**Adopted Policy:** NACo supports increased Department of Justice (DOJ) funding for grants to state and local governments to combat child sex trafficking and assist its victims, including funding for victim-centered services, law enforcement, training, and multi-agency collaborations. Congress should enact legislation to authorize and appropriate additional funding for such grants, and the DOJ should allocate a higher percentage of its trafficking victim services appropriations for grants to state and local governments.

Approved | February 23, 2015

Resolution Urging the Federal Government to Suspend, Instead of Terminate, Medicaid Coverage for Incarcerated Individuals

**Issue:** Medicaid benefits may be withdrawn when an individual is incarcerated as opposed to convicted.

**Adopted Policy:** NACo urges Congress to pass legislation that:

(a) amends federal law to prohibit states from terminating eligibility for individuals who are inmates of public institutions or residents of IMDs based solely on their status as inmates or residents; and

(b) requires states to establish a process under which an inmate or resident of an Institute for Mental Disease, who continues to meet all applicable eligibility requirements, is placed in a suspended status so that the state does not claim FFP for services the individual receives, but the person remains on the state’s rolls as being eligible for Medicaid; and

(c) Once release or discharge from the facility is anticipated, require states to take whatever steps are necessary to ensure that an eligible individual is placed in payment status so that he or she can begin receiving Medicaid-covered services immediately upon leaving the facility.

Approved | February 23, 2015

Resolution Urging Federal, State and Local Adoption of a Presumption Against the Use of Unnecessary Restraints of Juveniles in Court

**Issue:** Many youth in custody are forced to appear in court proceedings in restraints that unnecessarily humiliate, stigmatize and traumatize young people. Restraining youth who pose no safety threat is inconsistent with the rehabilitative goals of juvenile justice.

**Adopted Policy:** NACo urges federal, state and local government adoption of a presumption against the use of unnecessary restraints of juveniles in court and to only allow restraints after an
in-person opportunity to be heard and a finding that restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others.

Approved | February 23, 2015

Resolution on Reauthorization of the Juvenile Justice Delinquency Prevention Act

Issue: The Juvenile Justice Delinquency Prevention Act has not been reauthorized since 2002.

Adopted Policy: NACo urges Congress to support the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

Approved | February 23, 2015
Resolution Supporting the Delisting of the American Burying Beetle

**Issue:** Delisting the American Burying Beetle from the Endangered Species Act (ESA).

**Adopted Policy:** NACo urges removal of the American Burying Beetle from the list of endangered species under the Endangered Species Act (ESA).

**Approved | February 23, 2015**

Resolution Opposing the Proposed Listing of the Black Pine Snake as a Threatened Species by the U.S. Fish and Wildlife Service

**Issue:** The U.S. Fish and Wildlife Service’s proposed listing the black pine snake as a threatened species

**Adopted Policy:** NACo urges the U.S. Fish and Wildlife Service to withdraw the proposed listing of the black pine snake as a threatened species.

**Approved | February 23, 2015**

Resolution to Allow the Re-Classification of Diseased and Insect Infested Forest Products

**Issue:** The abundance of forest products (trees) that are affected by disease and insect infestation, yet still classified as a Federal Asset and regulated as such.

**Adopted Policy:** NACo urges the Federal land management agencies to establish the ability of local land managers to reclassify trees and timber products that have been affected by insect infestation or disease to a classification that would allow for the removal of these products without the accountability and oversight necessary for the harvesting of undamaged (green) timber for commercial use.

**Approved | February 23, 2015**

Resolution on Sharing Post-Fire Litigation Settlement Funds with Counties

**Issue:** The continuing increase in catastrophic wildfire loss of timber resources on public lands and its impacts on available revenue return for counties.

**Adopted Policy:** NACo urges the strengthening, through additional funding, by adhering to the following; 16 U.S. Code 500-Payment and evaluation of receipts to State or Territory for schools and road; moneys received. NACo urges Congress to change the current language in USC579c to allow fire settlement dollars that are determined upon the timber value lost, to return 25 percent of such settlement to counties as stipulated above in 16 U.S. Code 500. This change will recognize the timber revenue lost to counties by catastrophic wildfire and the Federal
Government's obligation to counties under the Act of May 23, 1908.

Approved | February 23, 2015

Resolution Supporting Reauthorization of the Secure Rural Schools and Community Self-Determination Act and Providing Expedited Payments for FY 2014

Issue: Urgent need to reauthorize the Secure Rural Schools and Community Self-Determination Act (SRS) and expedite the disbursement of retroactive FY 2014 payments.

Adopted Policy: NACo urges Congress to reauthorize SRS for FFY 2014 with an appropriation equal to the full funding amount as authorized in FFY 2013. NACo further urges Congress to direct SRS payments to states and counties and provide retroactive payments to counties in FFY 2014 expeditiously.

In order to expedite payments, NACo is urging Congress to eliminate barriers and provide the flexibility to counties with the use of Title I, II and III funds.

Approved | February 23, 2015

Resolution Supporting Revised Wildfire Disaster Funding

Issue: Needed mechanisms to fund wildfire suppression adequately and stop counterproductive "fire borrowing"

Adopted Policy: NACo urges Congress to enact legislation like the Wildfire Disaster Funding Act so that the budgets of the U.S. Forest Service and Bureau of Land Management will have protection of its resources appropriately devoted to hazardous fuel treatments through active management of the federally owned landscape, rather than having those resources drained by wildland fire suppression.

Approved | February 23, 2015

Resolution Supporting Amending Title III of Secure Rural Schools to Provide for Reimbursement of Patrol Expenditures

Issue: Support amending Title III of the Secure Rural Schools Act (SRSA) to provide for the reimbursement of sheriff patrol expenditures on federal lands.

Adopted Policy: NACo supports amending Title III of the Secure Rural Schools Act (SRSA) to include reimbursement to counties for sheriff patrol expenditures on eligible federal Forest Service and BLM lands. Patrol expenditure reimbursements were disallowed with the release of a 2012 GAO report to the Senate Energy and Natural Resources Committee. Before the GAO report, many counties used Title III funds to carry out routine law enforcement patrols on federal land. These patrols helped reduce and deter criminal activity and enhanced the safety of visitors to federal lands. County deputies are able to serve as first responders to any search and rescue or other emergency situation. Limiting the ability of counties to use Title III funds for patrol on
federal lands has increased criminal activity and stretches the resources of sheriffs’ offices to unsustainable levels.

Approved | February 23, 2015
TRANSPORTATION STEERING COMMITTEE

Resolution on Federal Freight Goods Movement Investment in the United States

**Issue:** The slowly deteriorating national surface transportation infrastructure needs real investment to adequately address the continued growth of the global economy and increases in imports and exports in and out of the United States.

**Adopted Policy:** NACo urges Congress to examine the viability of a new dedicated funding source for freight goods movement in the reauthorization of Moving Ahead for Progress in the 21st Century Act (MAP-21) that does not take funding away from currently authorized programs. NACo further supports provisions in the next surface transportation reauthorization bill that incentivize freight planning at the local level.

Approved | February 23, 2015

Resolution on Equitable Funding and Expenditures of the Highway Trust Fund

**Issue:** The long-term solvency of the Highway Trust Fund

**Adopted Policy:** NACo urges Congress to ensure the long-term solvency of the Highway Trust Fund by considering revenue sources that will better capture all users of the nation’s highways and account for all vehicles. Congress should also consider reducing the allowable administrative costs in order to direct more funding toward highway improvement funding.

Approved | February 23, 2015

Resolution on Local Transportation Safety Funding (SHPS Local Coordination)

**Issue:** Need for elevated coordination with local governments in the development of State Strategic Highway Safety Plans

**Adopted Policy:** NACo urges Congress to make safety on county roads a priority in the reauthorization of MAP-21 by requiring that state departments of transportation, at a minimum, cooperate with local government officials (including county transportation officials) in the development of State Strategic Highway Safety Plans (SHSPs) and by directing proportionate Highway Safety Improvement Program funding to areas of safety concern regardless of roadway ownership.

Approved | February 23, 2015

Resolution on Local Transportation Safety Funding (Establishment of TZD Grant Program)

**Issue:** Need for additional funding for safety improvements in the reauthorization of MAP-21
**Adopted Policy:** NACo supports the establishment of a federal Toward Zero Deaths (TZD) grant program that will provide funding to local governments and non-profit organizations for the purpose of implementing proven safety practices and programs.

 Approved | February 23, 2015