

PBC Legislative Update

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State Issues

Mid-August Update

Redistricting

By: County Staff

On Monday, August 15 from 6:00 to 9:00pm at the Blake Library in Stuart and Tuesday, August 16 from 10:00am to 1:00pm at FAU in Boca Raton, the Senate and House Reapportionment Committees conducted joint meetings in our area to hear testimony regarding the redrawing of Florida's 120 House districts, 40 Senate districts and 27 Congressional districts.

In Palm Beach County's 2011 State Legislative Priorities, the Board adopted the following position on redistricting:

Every ten years, the Florida Legislature is required to reapportion the state into specified representative, senatorial, and congressional districts. Since the United States Decennial Census of 2000, Palm Beach County has continued to evolve as an intensely populated area of unique and well-defined interests. Based on the community of interest established in Palm Beach County, the need to provide County residents equal representation, and respect for the County's geographic boundaries, the Board of County Commissioners urges the Florida Legislature to adopt an apportionment plan that minimizes overlap of senatorial and representative districts into counties adjacent to Palm Beach County. Support the adoption of an apportionment plan in which Palm Beach County residents comprise a majority of the constituencies in the senatorial and representative districts created such that no less than three Senate districts are created with a majority of their district within Palm Beach County.

County Staff testified at both meetings and stressed that we request at least three Senate districts to be drawn in Palm Beach County with a majority of their districts within the County.

The final meeting of the joint committees will be held in Clewiston on Thursday, September 1 at 8am.

Federal Issues

Federal Update

By: Alcalde & Fay and Becker & Poliakoff

Congress began its five-week August recess after passage of the Budget Control Act of 2011. Congress will resume business after Labor Day and have a great deal of work to finish before the end of the year.

BUDGET CONTROL ACT OF 2011: DEBT-CEILING INCREASE

On August 2, 2011, after several weeks of bitter, partisan debate over the

debt-ceiling and federal spending, the President approved the Budget Control Act of 2011 (S. 365) to raise the current \$14.3 trillion debt-ceiling by at least \$2.1 trillion.

Below is a summary of the major components of S. 365:

Debt Ceiling Increase

- The current \$14.3 trillion ceiling on federal borrowing would be increased by an amount between \$2.1 trillion and \$2.4 trillion, a sum presumed sufficient to allow the Treasury Department to operate beyond the 2012 election and into 2013.
- The increase would come in two steps:
 1. The debt limit would be increased by \$900 billion immediately.
 2. A second increase of \$1.2 trillion to \$1.5 trillion would be available later, determined by actions Congress takes to curtail growth in the debt. If, by early next year, a joint congressional committee created by the legislation has recommended and Congress has enacted \$1.5 trillion in additional savings for Fiscal Years (FY) 2012 - 2021, the second increase in the debt limit would be \$1.5 trillion. Alternatively, the debt limit would be increased by \$1.5 trillion if a constitutional amendment requiring a balanced budget is sent to the states for ratification. If the joint committee recommends and Congress enacts savings of less than \$1.5 trillion, or if no additional savings are enacted, the second debt limit increase would be \$1.2 trillion.

Spending Cuts — First Round

- Statutory caps would be placed on discretionary appropriations from FY 2012 - 2021. The savings would amount to \$935 billion over 10 years.
- For FY 2012 and 2013, a “firewall” would be erected between security (national defense, homeland security and related activities) and non-security accounts — meaning domestic programs could not be raided to provide more security spending.
- The caps for FY 2014 - 2021 would not segregate security and non-security spending.
- If lawmakers did not adhere to the discretionary caps, a process for imposing across-the-board, automatic spending cuts from discretionary accounts would take effect after Congress adjourns for the year.
- The automatic mechanism would be similar to the system of spending “sequesters” enacted as part of the 1985 Gramm-Rudman anti-deficit law ([PL 99-177](#)). Some spending, including military pay, would be exempt from the automatic cuts.

Spending Cuts — Second Round

- The new joint committee could recommend specific ways to reduce the deficit by an additional \$1.5 trillion by 2021. The panel would be required to consider recommendations from regular legislative committees, and to report its recommendations to both chambers, subject to up-or-down votes without amendment.
- The committee would be required to report by November 23, 2011 and the House and Senate would be required to act by December 23, 2011.
- The entire federal budget would presumably be on the table, including entitlement cuts and revenue increases.
- Should the enacted recommendations from the joint committee not produce at least \$1.2 trillion in savings, a process for automatic spending cuts would be triggered to achieve the desired savings and spread spending cuts equally across nine fiscal years.
- Programs targeting low-income individuals and families would largely be exempt from the sequester, as they were under Gramm-Rudman. Medicare cuts would be restricted to no more than two percent of the

program's outlays, and would only affect payments to providers, not beneficiaries.

Entitlement Cuts

- The special joint committee would be likely to look closely at entitlement spending to achieve its deficit reduction goals. The spending cuts would be subject to tough negotiations over the next four or five months.
- If a sequester was triggered, some restricted automatic cuts in Medicare spending might occur. It is unclear what other entitlement spending might be subject to a sequester.

Taxes

- The proposal does not include immediate increases in revenue, although the joint deficit-reduction committee might consider revenue increases.
- Earlier in the negotiations, House Speaker John Boehner (R-OH) proposed an increase of \$800 billion in revenue. Such an increase might come either from elimination of tax breaks for individuals or corporations, or a comprehensive overhaul of the tax code might be structured to yield a net revenue increase.

FY 2012 APPROPRIATIONS LEGISLATION

Only a handful of appropriations bills have passed the House of Representatives, while none have passed the Senate. Since there will be limited time on the legislative calendar when congress returns from recess, FY 2012 appropriations legislation seems destined to end with an omnibus spending package.

Prior to recess, the House Appropriations Committee approved the FY 2012 Commerce, Justice, and Science (CJS) Appropriations Bill. Unfortunately, the bill did not include funding for the Community Oriented Policing Service (COPS) Office and virtually all its programs, including both hiring and technical assistance grants. Moreover, the bill would make drastic cuts to Byrne Justice Assistance Grants (JAG), the Second Chance Act, and Juvenile Justice Grants.

We have been in contact with House CJS Chairman Frank Wolf's (R-VA) office and several members of Congress to ask that this funding be included in the final version of the CJS Appropriations Bill. We have also contacted several Senators as well, and are hopeful that funding will be restored to these vital programs.

The House Appropriations Committee also approved the FY 2012 Interior-Environment Appropriations Bill, which provides funding for the U.S. Environmental Protection Agency (EPA), among other federal agencies. Notably, the bill contains several items pertaining to EPA's authority under the Clean Air Act and the Clean Water Act, including specific provisions:

- prohibiting funds for the EPA to implement or enforce certain water quality standards in Florida;
- prohibiting the EPA from changing the definition of "navigable waterways" under the Clean Water Act;
- prohibiting funds for the EPA for expanding storm water discharge requirements;
- prohibiting the EPA from regulating carbon dioxide emissions from new motor vehicles or their engines after model year 2016; and
- instituting a one-year prohibition on the regulation of greenhouse gas emissions from stationary sources.

REAUTHORIZATION OF THE SURFACE TRANSPORTATION BILL

On July 19, 2011, Senator Barbara Boxer (D-CA), Chair of the Environment and Public Works Committee (EPW), and Senator James Inhofe (R-OK), Ranking Member, released an outline for Moving Ahead for Progress in the 21st Century (MAP-21), a bipartisan proposal to reauthorize the nation's transportation programs for two years. The proposal maintains funding at the current levels (approximately \$56 billion/year), includes significant reforms to make the nation's transportation programs more streamlined and efficient, and provides assistance for transportation projects under the Transportation Infrastructure Finance and Innovation Act (TIFIA) program to leverage state, local and private-sector funding. For more details, please review the MAP-21 bill outline, which is attached.

Earlier in July, House Transportation and Infrastructure (T&I) Chairman John Mica (R-FL) released his outline of the surface transportation reauthorization bill, which authorizes \$230 billion over six years for highway, transit, and highway safety programs. The House proposal would provide less than half of the \$500 billion six-year bill that House Democrats proposed last year, and it represents a cut from the \$286.5 billion six-year authorization in the 2005 SAFETEA-LU.

While both the House and Senate proposals reform and consolidate transportation programs, they are much different in the amounts of funding authorized and the number of years that funding is provided. Thus, a major debate between the House, Senate and Administration over the future of highway trust fund expenditures is inevitable and we will continue to update you on further actions.

TIGER III DISCRETIONARY GRANT PROGRAM

As you probably know, last month the Department of Transportation's released its [Interim Notice](#) of Funding Availability (NOFA) for the FY 2011 Transportation Investment Generating Economic Recovery (TIGER) III Discretionary Grant Program. Just as in the two prior solicitations for TIGER I and TIGER II, the TIGER III program will invest in road, rail, transit and port projects that promise to have a significant impact on the nation, a region or a metropolitan area.

As in previous years, the Department will require all applicants to submit a "pre-application" prior to submitting a final application. **The pre-application system will open on August 22, 2011. All pre-applications should be submitted by October 3, 2011 at 5 PM EST. Final TIGER III applications will be due on or before October 31, 2011.**

If you are planning to apply for a grant, we strongly encourage you to review the Interim NOFA prior to beginning your application. If you would like our assistance in reviewing your pre-application, full application and obtaining support from your congressional delegation, please let us know as soon as possible so that we can ensure that we dedicate sufficient staff resources to your application.

NATIONAL FLOOD INSURANCE PROGRAM

Last month, the House passed the Flood Insurance Reform Act of 2011 (H.R. 1309), by a vote of 406 to 22, which would reauthorize the program for five years, make major reforms to the National Flood Insurance Program (NFIP), and take steps toward eliminating the nearly \$18 billion in debt the program has accrued. The Senate must now act on the bill before the NFIP is due to expire in September. The President has signaled his support of the legislation.

H.R. 1309 would:

- phase in actuarial rates for many flood insurance policy holders while phasing out taxpayer subsidies for certain properties, such as high-risk buildings subject to repeat claims. This should raise \$4.2 billion over

the next 10 years, putting NFIP on even footing for the future.

- provide both FEMA and insurance purchasers greater flexibility to utilize private insurance markets and to allow families with homes recently determined to be located in a flood plain up to three additional years to buy flood insurance.

URBAN AREAS SECURITY INITIATIVE

The Ft. Lauderdale and Miami Urban Area Security Initiative's (UASI's) held a conference call on August 1st to discuss a lobbying strategy for adequate UASI funding in the Senate, as well as for inclusion of the combined Ft. Lauderdale/Miami UASI as a Tier I UASI. We participated in the call with government affairs representatives from the various communities within the Ft. Lauderdale/Miami UASI to discuss priorities and a lobbying strategy with Mr. Joe Cabrera and Mr. Allen Joyce the administrators respectively of the Ft. Lauderdale and Miami UASI's.

UASI members represented on the call included the counties of Palm Beach, Broward, Miami-Dade and Monroe; and the cities of Miami, Miramar, Miami Gardens, Pembroke Pines and Ft. Lauderdale.

The discussion focused on developing a unified lobbying strategy in response to FY 12 reductions in the House Homeland Security Appropriations Bill, with the Senate expected to take up consideration of the bill after the August congressional recess.

In addition to pursuing preservation and restoration of overall UASI funding, the Ft. Lauderdale/Miami UASI is seeking to pursue the following:

- 1) Acknowledgment and recognition of the unique risks within the Ft. Lauderdale/Miami UASI
- 2) Secure support for recognition as a Tier I UASI
- 3) Obtain greater transparency in Department of Homeland Security (DHS) risk calculation and scoring of UASIs
- 4) In the event of additional UASI cuts, equal sharing of reductions among all UASIs.
- 5) Necessity of maintenance of UASI programs to preserve and sustain developed capacity (high cost to recover lost capability).
- 6) Retention and value of all Florida UASI's as urban areas of importance to maintain

It was decided that individual UASI's will conduct outreach to their Members of Congress during the August recess. Meetings have already been held with Senator Nelson and Rubio's regional offices in Ft. Lauderdale and Miami.

In September, Ft. Lauderdale/Miami UASI representatives are planning a Washington fly-in to meet with Florida Senators Nelson and Rubio, the Department of Homeland Security, Chairman Mary Landrieu (D-LA) and Ranking Member Dan Coats (R-IN) of the Senate Appropriations Homeland Security Subcommittee, and several members of the House delegation. Since both Florida Senators are on the Senate Select Intelligence Committee, the plan is to inquire of them about the DHS scoring and ranking of UASIs based on intelligence of threats and vulnerabilities, and ensure that full credit is given for the unique risks in Florida. Also, we hope to raise questions about higher scoring of UASI's with land border crossings such as in Detroit and San Diego (made TIER 1 this year), as opposed to maritime ports of entry in Florida moving significant passenger and cargo traffic. Furthermore, in preparation of Capitol Hill visits, UASI administrators will verify quality of risk data that the State of Florida is submitting to DHS for utilization in risk and threat assessment and scoring.

Palm Beach County

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