

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 38

BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

1 STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE COMMITTEE ON FEDERAL-
2 ISM TO STUDY THE IMPACT OF THE FAILURE OF THE UNITED STATES GOVERNMENT
3 TO MAKE PAYMENTS IN LIEU OF TAXES THAT ARE EQUIVALENT TO THE PROPERTY TAX
4 REVENUE THAT THE STATE OF IDAHO WOULD OTHERWISE GENERATE FROM LANDS UN-
5 DER FEDERAL OWNERSHIP OR CONTROL WITHIN IDAHO AND DIRECTING THE COMMIT-
6 TEE TO PILOT TECHNOLOGIES PROVIDING AN OBJECTIVE STANDARD TO EVALUATE
7 AND APPRAISE FEDERAL LANDS IN REAL TIME TO DETERMINE THE FAIR TAXABLE
8 VALUE OF SUCH FEDERAL LANDS.
9

10 Be It Resolved by the Legislature of the State of Idaho:

11 WHEREAS, the right and authority of state and local governments to pro-
12 mote the highest value and use of land is fundamental to funding education
13 and other essential government services; and

14 WHEREAS, the federal government still controls more than 62% of all land
15 in the State of Idaho, which is not subject to state or local taxes; and

16 WHEREAS, under the Federal Land Policy and Management Act (FLPMA) of
17 1976, federal land policy changed from one of disposal, where it would en-
18 ter the state tax rolls, to permanent federal retention as untaxable public
19 land; and

20 WHEREAS, this policy change deprives Idaho of the right and ability to
21 tax more than 62% of all land within our state; and

22 WHEREAS, recognizing the substantial burden this policy change imposed
23 on the ability of state and local governments to fund education and other
24 essential government services, Congress established the Payment In Lieu of
25 Taxes (PILT) program to compensate for the tax revenue denied; and

26 WHEREAS, the definition of "in lieu" means a substitute of equal value
27 and importance, something that is just as good as what was given up; and

28 WHEREAS, by any objective measure, federal PILT payments to Idaho are
29 not "just as good as" the tax revenue the local governments and school dis-
30 tricts would otherwise generate but for federal control of Idaho lands; and

31 WHEREAS, in actuality, PILT amounts are little more than pennies in lieu
32 of taxes; and

33 WHEREAS, without regard to the long-standing debate over whether the
34 federal government should ever relinquish control of Idaho lands, as long
35 as the federal government does withhold lands from being subject to tax, the
36 federal government should pay the full amount in lieu of tax revenue denied
37 our taxing entities; and

38 WHEREAS, for more than 10 years, Congress has been erratic in the amount
39 and timeliness of PILT payments to Idaho counties, placing essential govern-
40 ment services in jeopardy.

41 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
42 Session of the Sixty-fifth Idaho Legislature, the House of Representatives
43 and the Senate concurring therein, that the Committee on Federalism, created

1 pursuant to Section 67-9301, Idaho Code, shall study the impact of the fail-
2 ure of the United States government to make payments in lieu of taxes that
3 are equivalent to the property tax revenue that the State of Idaho would oth-
4 erwise generate from lands under federal ownership or control within Idaho.
5 The committee shall pilot technologies providing an objective standard to
6 evaluate and appraise federal lands in real time to determine the fair tax-
7 able value of such federal lands.