

This Week

NACo President Frank Francois Announces Leadership of Steering Committees, Special Committees, see pages 6-7.

Vol. 11, No. 31

COUNTY NEWS

"The Wisdom to Know and the Courage to Defend the Public Interest"

August 13, 1979

NACo

Washington, D.C.

Mine Safety Act: Bill Would Free Counties

Terming it a "classic case of bureaucratic and regulatory overkill by the federal government against local and state governments," Sen. John Melcher (D-Mont.) recently joined with Sen. Edmund Muskie (D-Maine) in introducing legislation exempting state and local governments from the Federal Mine Safety and Health Act of 1977.

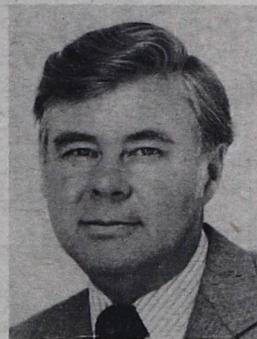
The Melcher-Muskie bill, S. 1692, which NACo strongly supports, closely parallels the provisions of the Occupational Safety and Health Act of 1970 (OSHA) specifically providing that state and local governments will not be subject to the Federal Mine Safety Act unless the individual state elects such coverage under a state-administered mine safety and health plan.

S. 1692 is a congressional response to an Oct. 2, 1978 legal opinion issued by the Office of Solicitor, U.S. Department of labor which interpreted the Federal Mine Safety Act as applying to state, county and municipally-owned or operated sand, gravel, clay or crushed stone operations despite the absence in the act's legislative history of any indication of congressional intent that state and local governments were to be covered.

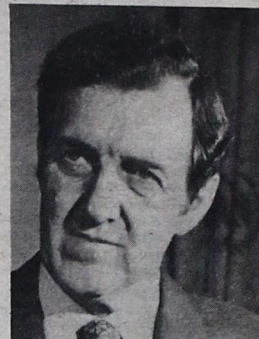
According to John Franke, chairman of the Johnson County (Kan.) Board of Commissioners and chairman of the NACo's Labor Steering Committee, there are hundreds, or perhaps, thousands of state and local government sand, gravel, stone and clay operations throughout the nation.

Generally, counties extract these granular materials for a single purpose—public road maintenance and improvement. Most county operations are seasonal in nature, and frequently involve a considerable savings to local taxpayers because of the additional cost of purchasing such materials from outside sources.

Those employees who work in the sand and gravel pits often perform a variety of other functions relating to public road maintenance, including winter sanding of roads and



Melcher



Muskie

repairing paved and unpaved roads on a continuing basis. If the individual state has adopted an OSHA-approved safety and health plan which includes local government employees, these other work-related activities are subject to OSHA regulation.

The act which is administered by the Labor Department's Mine Safety and Health Administration (MSHA) prescribes a complex sys-

tem of enforcement, penalties, training and record keeping requirements. It further provides that if an MSHA inspector believes that a violation of the act or of a mandatory safety standard has occurred, he or she must issue a citation irrespective of the significance of the violation or the operator's prior safety and health record.

Unlike OSHA, where the Secretary See MINE, page 9

Panel Stalls Energy Board

Final action by the House Committee on Interstate and Foreign Commerce on the President's proposal for an Energy Mobilization Board was put off until after Labor Day as members were not able to complete work before the congressional recess.

Still pending before the committee is a NACo-supported amendment by Rep. Tim Wirth (D-Colo.) to limit the authority of the board as it applies to the overriding of local decision-making. The amendment would allow the board to require consolidated hearings between levels of government and appropriate agencies and

consolidated permit applications; the board would have the authority to waive procedural time requirements where this does not impinge on any substantive legal requirement.

Supporters of the amendment, which also includes the League of Cities, the National Governors Association, and many members of Congress, conceded that if a vote had been taken before recess, the outcome would have been close.

As the proposal now stands, the Energy Mobilization Board would have the authority to override all substantive and procedural federal, See ENERGY, Page 8



Congress Will Decide IRAP Fate after Recess

The Indochinese Refugee Assistance Program (IRAP), due to expire Sept. 30, may get a last minute reprieve when Congress reconvenes September. Bills pending in both houses would extend the life of the assistance program for refugees already in the country while limiting assistance to new arrivals to three or four years.

IRAP, enacted as the Indochinese Refugee Migration Act of 1975 as a one-year program, provides 100 percent reimbursement to states and counties for the costs of welfare, health, employment and social services to Indochinese refugees. It was extended for one year in 1977 and again in 1978 because the flow of refugees into the country had not subsided as predicted.

NACo member counties most affected by the program have joined with states in which refugees settled to demonstrate that rather than easing down, welfare and health costs continue to rise. These counties have argued that contrary to popular press statements and testimony of the voluntary agencies (VOLAGS) and by the federal government to settle refugees throughout the U.S., many refugees do not leave the welfare rolls shortly after coming on. In Ramsey County, Minn., for example, the IRAP welfare caseload increased to more than 2,000 in 1976 when the first group of refugees arrived. The arrival of new groups of refugees is compounded by second-wave migration of individuals within the United States, and by the fact that few refugees have been able to leave the welfare caseload or to find employment. Although almost all able-bodied adults are enrolled in work training programs, most are

termination rate is down to 2 percent.

If IRAP were limited to 36 months from date of entry to the United States (one proposal under consideration), only 25 percent of Ramsey County's IRAP welfare caseload could be transferred to the federally-matched AFDC program, and Ramsey County would begin paying 25 percent of the AFDC and administrative costs. The remaining 75 percent of the IRAP caseload would have to be absorbed onto general assistance roles, the costs for which Minnesota counties pay at 55 percent. Ramsey County's immediate projected cost beginning on Oct. 1 would be \$652,000. This cost would rise accordingly as more refugees reach the 36-month time limit, as well as because the county projects a 33 percent increase in caseload by the end of this year.

"We are very concerned," says Diane Aherns, Ramsey County commissioner, "that federal funding continue at the 100 percent level for

See FULL, page 9

Halt of Transit/Mobility Regs Denied

A U.S. district court judge last week denied the American Public Transit Association's motion for a preliminary injunction to temporarily halt implementation of the Section 504 regulations aimed at providing transit mobility to handicapped persons nationwide. Twelve other transit operators are a party to the litigation.

The regulations require the purchase of wheelchair lift-equipped buses and full accessibility for subway, airport and highway facilities in future years.

NACo's motion before U.S. District Court Judge Louis F. Oberdorfer to

be considered as a plaintiff in the suit was also denied. Saying that he could not see added value in including NACo along with the American Public Transit Association and others, he instructed that NACo consider joining the suit as "a friend of the court." Such a legal step has been taken by the Association of State Highway and Transportation Officials (ASHTO), but the judge has not as yet approved the motion.

The suit filed with the U.S. District Court for the District of Columbia, seeks to enjoin the implementation of the guidelines, published by the Department of Health, Education

and Welfare (HEW) and regulations by the Department of Transportation (DOT).

At the annual conference in Kansas City last month, the membership approved a resolution giving NACo the leeway to do whatever possible to avoid having the regulations take effect. This action does not mean that NACo has withdrawn from its adopted policies supporting full accessibility for the handicapped. Rather, NACo believes that the recent transportation regulations are ill-advised for two main reasons: they will cost millions, and may actually mean less transportation services for

the handicapped, said NACo Executive Director Bernard F. Hillenbrand. In the later case specialized services for the handicapped may be impossible for local governments or transit districts to maintain given the mandate of full transit accessibility.

NACo will continue to actively cooperate with the American Public Transit Association and provide any necessary assistance. NACo will also continue to pursue other legal channels in order to articulate the county's position on Section 504 regulations. Arguments on the merits of the case will commence Sept. 24.

Grant Consolidation Bills

S. 878 (Roth)

1. Standardizes nine crosscutting requirements (citizen participation, handicapped regulations), using one guideline. Allows for certification by state and local governments.

2. Provides a procedure for congressional consideration of presidentially proposed grant consolidation packages. The procedure is similar to that used for government reorganization. Programs would be consolidated on a functional basis and the President has the authority to describe matching, formula, eligibility and other criteria in the package.

3. Provides for a procedure, *Integrated Grant Funding*, which streamlines the process and reduces red tape in using more than one assistance program and one federal agency in funding a particular project. Would require one form, one single process, and one audit.

4. Urges the Congressional Budget Office's consideration of advanced appropriation of one year for programs going to state and local governments.

5. Amends the Congressional Budget Act of 1974 to provide for five year projection of budget outlays and a statement as to changes in funding levels.

6. Mandates federal personnel to comply with county/state/city requests of amount of grant dollars flowing into their geographic area.

7. Provides a waiver procedure that allows local flexibility to determine which local agency should implement a particular grant program.

8. Provides for a standardization of maintenance of effort requirements to be no more than the average of two years of "recurring expenses."

9. None

10. None

11. None

12. None

S. 904 (Danforth)

Similar

Same

None

Same

Same

Same

None

None

Major section on improving audits on grant programs which requires:

- one audit every two years, except that units which receive less than \$50,000/year shall be audited once every five years. Federal government shall reimburse state and local governments for audits.
- requires OMB to develop and maintain standard accounting, auditing and financial management policies, procedures and requirements on grants.

Requires 10 percent of all grant funds to be set aside and provided only to communities of 50,000 population or less.

Allows communities of 50,000 population or less to receive a direct payment in lieu of grant dollars based on a formula of existing funds received.

Allows a waiver, for good cause, of agency rules or regulations on grant programs to state and local governments through the OMB.

NACo Policy

NACo does not support standardization. We urge that five models be offered ranging from least to most complex where a county may select the model it can best meet.

NACo urges that these requirements be developed in full consultation with state and local officials.

NACo supports grant consolidation but urges that (1) Congress and the President consult with state and local governments in developing consolidation packages; (2) maintain the same eligibility criteria of individual grant programs after consolidation; (3) that the legislation provide a timetable for the President to complete a consolidation proposal, and (4) that Congress and the President begin the process using programs already suggested for consolidation by the Advisory Commission on Intergovernmental Relations (ACIR).

NACo supports integrated grant funding. NACo, however, urges grant consolidation above that of integrated grant funding.

NACo supports advance appropriation and five-year projection of budget outlays. We believe that this information is essential for county long-term fiscal planning. It also will save county staff time in preparing multiple budgets, as well as provide federal funding agencies with more adequate information for program and financial planning.

NACo supports.

NACo supports. Grant information will help counties determine where federal support is going. This will help county decision-makers eliminate duplication and make necessary management decisions for consolidation or contracting for services.

NACo supports.

NACo supports as long as "recurring expenses" language remains in the measure. This precludes program start up costs, which in some cases such as health programs are extremely high.

NACo is generally in favor of this approach. Rural affairs committee is reviewing the proposal.

No policy.

No policy

NACo endorses the waiver provision.

Grant Reform Hearings Set

The Senate subcommittee on intergovernmental relations, chaired by Sen. James Sasser (D-Tenn.) will hold hearings Sept. 5 on grant reform, including proposals for grant consolidation.

Hearings will be a continuation of those begun several weeks ago on S. 904, The Small Communities and Federal Assistance Reform Act of 1979, whose lead sponsor is Sen. John Danforth (R-Mo.), and S. 878, The Federal Assistance Reform Act of 1979, sponsored by Sen. William Roth (R-Del.) with four co-sponsors. Sasser announced his co-sponsorship of this bipartisan measure during the committee hearings. Both measures provide a procedure to consolidate categorical grant programs. The accompanying chart provides a comparison of the bills and NACo policy.

NACo has long-standing policy in support of grant consolidation. In 1977 the Advisory Commission on Intergovernmental Relations (ACIR) reported a total of 442 categorical programs. By this January, the figure had risen to 452. NACo has pointed out in congressional testimony that the rise of categorical programs has caused severe fragmentation on the local level, and offers no flexibility for county officials to allocate funds to meet local priorities or new problems.

The ACIR report of 1977 noted that "categorical growth has resulted in unnecessary and excessive specificity as well as program overlap." It cited as examples seven different highway safety grants, each for some particular activity such as bridge replacement or incentives for seat-belt laws; a half dozen grants for forest-related programs; 23 for pollution control and abatement; 36 for

social services; and 78 for elementary, secondary, and vocational education. "Illustrative of the narrowness of categorical grants are the high beautification grants for the cleanup of junkyards and the program special projects for crippled children who are mentally retarded," said the report.

The report also outlined the dilemma caused in administering the funds. "The evidence suggests that specificity and overlapping among categorical grants causes confusion in administrative problems for grant agencies and recipient jurisdictions. For instance, as the number of state and local governments receiving grants grows, it becomes increasingly difficult to monitor the use of grant money and enforce statutory requirements, especially for matching and maintenance of effort. In this manner, a 'categorical dilemma' is created."

ACIR concluded by saying that Congress resorts more frequently to highly specific grants in an effort to target federal dollars on particular problems, the task of tracking these funds and ensuring that they are being used properly become more complicated.

County officials are urged to discuss support of grant consolidation legislation with their congressional representatives during the August recess and to refer to the accompanying chart in their discussions.

Correction

In last week's *County News* Sen. William Roth was incorrectly identified in a photo caption. Our apologies.



Roth



Danforth



Sasser

COUNTY OPINION

Support Needed

The future for grant consolidation is not bright. Despite the outcome of better and more efficient government programs, reform in the grants area is difficult to enact.

The issues involved are complex. Congress is hesitant to reduce strings fearing loopholes for local wrongdoings. Turf support of particular programs is difficult to overcome. But the primary reason this legislation is difficult to pass is that most members of Congress do not believe there is wide support for enacting federal aid reforms.

It is absolutely essential that county officials contact their congressional representatives during the recess to support grant reform this year. Provide them with examples of federal red tape in your counties. Urge their immediate support of grant consolidation. Make it clear that grant consolidation and reduction of red tape will save badly needed dollars and provide more effective program delivery.

It is estimated that grant consolidation could save \$3 billion annually. These savings could go a long way in meeting the necessary cutbacks as we move toward a national balanced budget. Your help is urgently needed.

Message Cuts Across Many Areas

President Carter issued his second environmental message last week in which he set forth the Administration's environmental priorities for the 96th Congress and announced 12 initiatives.

The message appears to settle a current controversy over the powers of the President's Energy Mobilization Board announced in his speeches of July 15 and 16.

The purpose of the mobilization board, he said, is "to accelerate decision-making on critical energy facilities. This will cut out excessive delay, but I will not allow it to undermine protection of our nation's environment."

This apparent distinction between acceleration of the decision-making process but not the override of substantive requirements, would extend to state and local laws governing land use, growth, natural resources, energy and air and water quality.

Here is a look at the environmental priorities and new strategies outlined in the message.

Priorities

Named "highest environmental priority" of the Carter Administration was passage of legislation designating national parks, wildlife refuges, wilderness areas, national forests and wild and scenic rivers in Alaska.

Also named high priorities were the already proposed Oil, Hazardous Substances and Hazardous Waste Response, Liability and Compensation Act; the solar energy message submitted to Congress June 20; the soon-to-be announced nuclear waste management policy; water resource policy reforms announced one year ago; the National Heritage Policy Act to protect significant natural areas and historic places; the whale protection initiatives; and implementation on the National Parks and Recreation Act, the Clean Air and Clean Water Acts, and regulations to protect against oil pollution.

Transportation

Among the 12 new initiatives is a transportation policy designed to support the nation's environmental, energy and urban revitalization goals.

Federal transportation expenditures exceed \$17 billion annually, and transportation consumes 52 percent of all petroleum used in the United States.

The President directed the Department of Transportation (DOT) to ensure that:

- Federal transportation funds are used to promote energy conservation through such measures as special lanes, public transit, encouraging the use of bicycle and walking, and efficient traffic management. The Clean Air Act already requires transportation and road funding to be consistent with attainment and maintenance of clean air.

- Local governments are encouraged to use federal funds for public transportation projects;

- Transportation proposals which would encourage urban sprawl or draw jobs away from urban centers are carefully reviewed;

- Consideration is given to improving current transportation systems, rather than constructing new ones;

- Major transportation projects are used to help improve urban economies and action is taken to mitigate any adverse effects on the natural and urban environment.

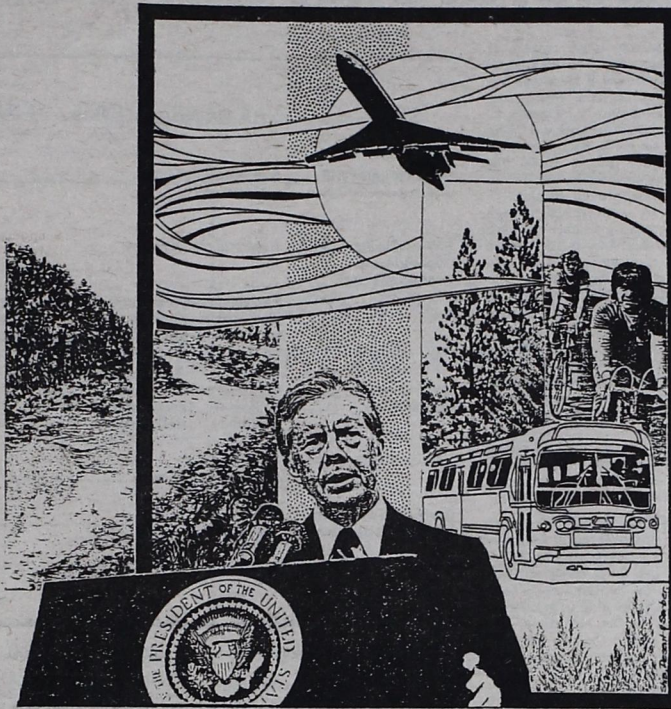
Soil Conservation

The President directed the Secretary of Agriculture, in cooperation with the Council on Environmental Quality, to undertake a detailed study of possible soil conservation incentives, ways to coordinate agricultural assistance programs to reduce erosion, and measures to reduce conflicts in government programs which boost farm production but negate soil conservation programs.

Carter's message also recognized the national agricultural land study established by joint action of the Agriculture Department and the Council on Environmental Quality in June.

Coastal Protection

President Carter recognized that unsound coastal development jeopardizes the fishing industry, endangers the lives of persons



residing in flood-prone areas, and impedes access to beach areas for recreation.

As a result, the Administration will submit legislation to reauthorize the Coastal Zone Management Act (expiring in 1980), which would guarantee each state a total of five years of federal assistance at current funding levels after a state management program is federally approved. Thereafter, federal support will be gradually phased down.

In addition, federal agencies, coastal states, local government, industry, scientists, and citizens will be asked to help review existing coastal zone programs.

The review group will evaluate the impact of federal water, sewerage, transportation, flood insurance, recreation, and other programs which may be working at cross-purposes.

The findings, to be available within a year, will be used to amend the Coastal Zone Act and improve existing programs.

Economic Effects of Pollution Control

Although nearly all economic analyses show minimum adverse economic effects from pollution control, a small number of firms, workers and communities have suffered.

In many cases, a plant closing can be avoided through timely assistance. And where a closing is unavoidable, the effects on workers and communities can be reduced through direct assistance.

A task force convened by the President to study the apparent underutilization of many federal assistance programs concluded that federal agencies did not emphasize these programs and that coordination among agencies was lacking.

To help correct the situation, the President is directing EPA to coordinate federal assistance programs, inform affected parties of an impending closing, and insure that all relevant agencies are notified as soon as possible.

The Treasury Department has already begun to revise Internal Revenue Service rules for industrial development pollution control bonds (tax-exempt) in consultation with EPA.

A booklet describing available assistance programs will be distributed to all relevant federal, state, and local agencies, private firms, unions and other groups of workers.

Urban Noise

Since World War II, there has been a dramatic increase in the number of noise sources in our urban areas. Recent Gallup surveys found that noise pollution ranked on a par with air pollution and water pollution as an important environmental problem and ranked second only to crime as a reason for relocating.

More than a thousand local communities, covering half of the U.S. population, have passed noise control ordinances. More than 70 of those communities have comprehensive controls involving land use planning, motor vehicles, and construction equipment.

In announcing a program to reduce urban noise by making existing programs work better through interagency and intergovernmental cooperation, the President is directing federal agencies to take the following actions:

- Initiate programs to achieve soundproofing and weatherization of noise sensitive buildings such as schools and hospitals.

- Promote the use of quiet-design features in the planning, design, and operation of proposed urban transportation projects.

- Encourage noise sensitive development, such as housing, to be located away from major noise sources.

- Help federal, state and local agencies buy quiet equipment and products.

- Support neighborhood self-reliance efforts seeking to address local noise problems.

Acid Rain

The President has mandated a 10-year study to assess the acid precipitation problem and develop appropriate mitigation measures.

In the U.S., acid rain occurs mainly in the Northeast, although the West and Southwest are increasingly affected. Sulfur dioxide and nitrogen oxides from fossil-fuel fired plants and cars are chemically changed in the atmosphere into sulfuric and nitric acids which wash out of rain and snow, often far from the pollution source.

There was a dramatic jump in the acidity level in Northeast rain between the 1950s and 1970s. The average rainfall in the Northeast now contains more than ten times as much acid as "pure" rain.

Over 100 lakes in the Adirondacks are devoid of fish due to acid rain. In forests and cropland, acid rain leaches nutrients from both

leaves and soil and hastens the absorption of dangerous heavy metals like mercury. This jeopardizes the future productivity of timber, fruit and vegetable crops. Severe building erosion has also been attributed to acid precipitation.

The study announced by the President will be funded by existing money redirected from other research programs. It will coordinate the ongoing research efforts of federal, state, university and industrial organizations, and where feasible, the efforts of other countries. An annual report will be issued each Sept. 15.

Public Lands Management

Much of the Bureau of Land Management's 417 million acres of federal land has become less productive through careless management. The President is requiring a new "program development process" for BLM lands that will enable the bureau to meet four guiding principles:

- to be a good steward of the land;
- to be a good neighbor of people and institutions of the West;
- to make cost effective investments which will improve productivity for livestock, wildlife and vegetation; and
- to resolve, not avoid, conflict.

In addition, the Department of Interior and the Department of Agriculture are encouraged to coordinate their programs to avoid duplication.

Wild and Scenic Rivers

After 11 years only 27 river segments have become part of the national wild and scenic river system. To help protect the natural, historic and recreation resources of river corridors, the Administration is directing that within 120 days the guidelines for evaluating rivers be revised by both the Interior and Agriculture Departments. Counties concerned about designation should take this opportunity to express their views.

In addition the national inventory of potential designations will be distributed to federal agencies so that they can avoid actions which have adverse effects on these rivers. In addition, the agencies must consult with the Department of the Interior before taking actions which could foreclose future inclusion of rivers as wild, scenic or recreational.

National Trails

The Administration is concerned that there has not been an overall review of national trail opportunities, especially in urban areas. The President is setting numerical goals for national trails on federal lands, as well as initiating a grass-roots effort to assess trail needs. This assessment will start with 15 regional workshops for public officials, conservation groups and other citizens. Federal agencies are directed to encourage localities, states, and Indian tribes and private landholders to designate trails.

Other Initiatives

The President's environmental message also announced these additional initiatives:

- **Integrated Pest Management.** The President directed that federal management research, control, education and assistance programs directed at pest control adopt integrated pest management strategies which employ a variety of methods for controlling insects and pests other than reliance on toxic pesticides.

- **World Forests.** All relevant federal agencies are to give high priority to world forest needs in budget and program planning, and a task force chaired by the State Department is to report to the President on specific strategies to halt the disappearance of forests which is now proceeding at a rate of 20 percent per year.

- **Wildlife Law Enforcement.** Federal agencies are directed to step up investigations and prosecutions of illegal trade in endangered plant and wildlife species.

The President also announced the designation of Gus Speth, currently a member of the Council on Environmental Quality, to be chairman of the Council succeeding Charles Warren.

EPA PROPOSES POLICY

States Face Clean Air Sanctions

If your state is not moving quickly on its clean air plan, federal funds in your area for transportation, air quality and sewage treatment facilities could be withheld.

That's the stick that Congress devised to goad states and local governments into having revised air quality plans in effect by July 1, 1979, since a goal of the law is to have clean air for all by the end of 1987.

It's not a stick that the federal agencies want to use, or even expect to use in every case, but, within carefully considered criteria and legislative mandates, these grant limitations, conditions and sanctions will be applied.

In addition, areas without approved state air implementation plans (SIPs) cannot allow construction of new major sources of pollution to begin if the permit application for that source was received after July 1. This limitation is mandated by the Clean Air Act, although many factors are easing its actual effect. No construction project has yet been halted by the law.

These grant and construction restrictions will, in most cases, not be applied statewide, but only to those areas for which air plans are still inadequate. The Environmental Protection Agency will be granting conditional approvals where appropriate, and sanctions will not be applied.

Even after EPA approves a state plan, "reasonable further progress" must be shown toward attaining national ambient air standards each year, or the state is again vulnerable to sanctions.

There are two sections of the Clean Air Act which concern limits on federal funds where clean air planning is inadequate.

Section 176(a) concerns only those areas where current clean air standards are not being met (nonattainment areas) and for which transportation control measures have been required. These are the areas which have car-related air pollution problems.

That part of the law states that grants for transportation (other than

those for safety, mass transit or improvements related to air quality) cannot be approved if the state has not submitted a plan which considers all the necessary elements, or that reasonable efforts are not being made to do so. EPA must also withhold air quality grants. Note that grants will be awarded as usual even if EPA has not approved the plan.

Section 316, concerning sewage treatment grants available through the Clean Water Act, is both more restrictive and more flexible. It gives the EPA administrator the authority to decide whether the grants will be affected, but it provides more opportunity for him to do so. Sewage grants can be limited, withheld or conditioned if:

- The facility will not comply with the emission standards (new source performance or hazardous emission standards), or
- The state does not have in effect or is not carrying out a plan which accounts for direct or indirect (growth) emission for these plants, or
- Such a plan is inadequate.

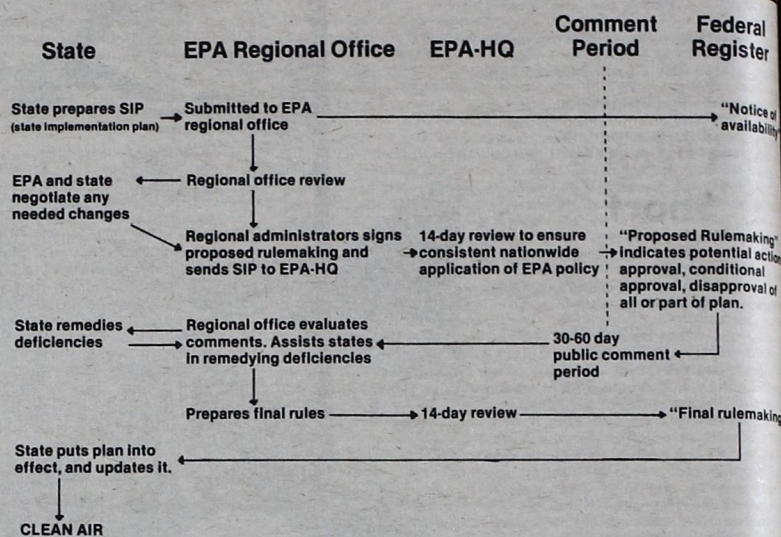
EPA is in the process of making final its policy on carrying out these sections of the law; rules will be promulgated in September. When asked what is happening to grants in affected areas in the meantime, an EPA official stated that, in the absence of firm criteria for administrative judgments, grants were being processed as usual.

DETAILS OF THE PROPOSED POLICY

Wastewater Treatment Facility Construction Grants:

• EPA will require that an applicant for a Step 3 grant (construction phase) get certification from the state or EPA region that the facility will meet new source performance or hazardous emission standards. Awarding of the grant will be conditioned on compliance.

• EPA will review in detail especially those plants which are larger and are built to serve a large proportion of future growth, and all plans



which will have significant environmental impacts.

• For plants in nonattainment areas, EPA may restrict hook-ups to existing connections or limit hook-ups to projected growth (depending on the particular problem) as well as withhold or limit sewage grants, until the discrepancies between air pollution mitigation and growth induced by the plant are reconciled.

• For facilities in clean air areas, local governments must "implement a positive mitigation program" addressing indirect emissions. This could mean such strategies as transportation control or tighter control on existing or new sources. However, an EPA official states that if a local government wanted to use up its increment of deterioration through sewage-plant induced growth, it could do so. The mitigation measures would

be individually negotiated.

Transportation and Air Quality Grants:

• EPA foresees that these limitations would be applied to air quality control regions, rather than entire states. Even more selected application might be possible.

• EPA can make two determinations in order to apply the sanctions: "reasonable effects" to submit a state air plan are not being made or that the plan does not address all the transportation control elements in the law.

• The initial determinations will be made by EPA regional administrators, who will negotiate and cajole the states. If no resolution occurs within a month, the funding sanctions will be applied. However, further negotiations at regional or na-

tional level may still proceed.

• Lifting of the limits will take place as the air plans are approved or if EPA reverses its findings.

• Funds withheld or limited will be placed in escrow for one year. If the state is still not cooperating, the funds will be reallocated.

• Because withholding air quality money from states would work at cross purposes to the intended objective of the sanctions, EPA may choose to continue many state and local air grants.

The Federal Register publishes information on the EPA sanction policies on June 11 (transportation and air quality), June 28 (construction) and July 2 (sewage facilities). For copies of these documents and other information related to the state air plan process and progress, contact Arleen Shulman at NACo.

DOE PROPOSES REGS; COMMENTS NEEDED

Energy from Waste Facilities Could Get Boost

Recently proposed regulations from the Department of Energy describe the implementation of the urban waste demonstration facilities guarantee program. The idea behind the program, which is yet unfunded, is that the federal government would support energy-from-waste facilities by accepting a significant portion of the economic risk associated with their development and construction.

Published on July 18 in the *Federal Register*, the proposed regulations provide for loan guarantees in support of facilities which can demonstrate the conversion of municipal wastes into desirable forms of energy in "an environmentally acceptable manner." Based on reasonable assurance that the loan guarantees could be repaid, the federal government would pay loan guarantees for selected projects of up to 75 percent of the total costs or up to 90 percent of the construction and startup costs, whichever is less. Counties or groups of counties are eligible to apply for loan guarantees.

According to the Department of Energy, widespread use of such facilities could reduce the volume for ultimate disposal of municipal wastes by up to 95 percent.

CRITERIA FOR PROJECT SELECTION

The regulations provide for a two-phase application process in which candidate projects are screened initially to remove from consideration projects which do not meet established criteria. Applicants whose projects have been accepted for further consideration will then submit a "final" application to DOE. Six principal criteria are listed as the basis for competitive evaluation of applications: (1) the arrangements for and extent to which risk will be shared by parties involved in the project other than the federal government; (2) the potential applicability and transferability of the project to other parties and other parts of the county; (3) the net energy that can be recovered or conserved; (4) the adequacy of the management plan

for the project, and the qualifications and experience of key personnel; (5) technical probability of success, and advances in the state-of-the-art; and (6) potential environmental, health and safety effects as well as socio-economic and competitive impacts.

STATE VETO

As soon as DOE receives an initial application for a project which might receive a guarantee, the agency will inform the governor of the state and officials of each political subdivision in which the facility is located, or which might have a direct interest due to geographic proximity. If, within 60 days of notification, the governor of the state in which the facility is to be located recommends that the guarantee not be issued, the application will be rejected. If the Secretary of Energy decides that the application should be considered further, he will inform the governor in writing.

TAXABLE BONDS

The regulations require that interest paid on a guarantee obligation

be taxable; that is, included in gross income. However, the regulations also provide that if the obligation would normally be tax-exempt, such as a municipal security, then an interest differential will be paid to the issuer. This differential will be set by the Secretary of the Treasury, and will be based upon interest rates currently being paid by the issuer. Furthermore, the regulations require that guarantee fees not to exceed 1 percent be imposed on the guaranteed portion of the instrument. This charge will be used for the purpose of defraying possible federal loss, and administrative costs associated with the program.

FUNDING NOT YET AVAILABLE

DOE's urban and industrial waste programs have been authorized at \$300 million. However, no appropriate law has yet been enacted which would permit DOE to issue loan guarantees under the regulations. DOE program managers hope that Congress will appropriate funds for the program, and that loan guaran-

tees will be available during fiscal '80.

NEED FOR COMMENTS

Counties are strongly requested to comment on these proposed regulations. With the recent interest in alternative energy sources, it is important to ensure that these regulations which will govern the administration and implementation of the urban waste facilities loan guarantee program are sound and use to counties and local governments. If you need a copy of the regulations or information on them, contact Don Spangler at NACo, 205 785-9577.

Written comments should be addressed to Margaret W. Sibley, Office of Conservation and Solar Applications, Department of Energy, Room 221C, 20 Massachusetts Avenue, NW, Washington, DC 20585. Also, to assist NACo with comments, please send a copy of your remarks to Don Spangler, Energy Management Project, NACo.

Many to Show That "CETA Works"

"CETA Works" will be the theme of NACo's eighth annual national employment conference Oct. 14-17 in Louisville, Ky., sponsored by the National Association of County Employment and Training Administrators (NACETA).

An estimated 1,400 elected officials, CETA staff, labor relations staff, personnel directors, welfare directors, and job service directors

are expected to attend. Over 70 workshops are planned.

For the first time at the conference, special sessions will be conducted by the County Employee/Labor Relations Service (CELRS) within NACo. Topics will include job classification and equal employment opportunity/affirmative action.

General session speakers will include: House Education and Labor

Committee Chairman Carl Perkins (D-Ky.), Secretary of Labor Ray Marshall, Assistant Secretary of Labor Ernest Green, and James Jeffords (R-Vt.), ranking minority member on the House subcommittee on employment opportunities. These speakers, in addition to other congressional representatives, will focus on the future role of CETA as the national economy worsens and the

unemployment rate rises to a predicted high of 8.2 percent by late 1980.

The Technical Assistance and Training Committee of NACETA met at NACo's annual conference in Kansas City and in Chicago Aug. 2 to assist NACo staff in developing the program and agenda. The conference theme, "CETA Works," is an attempt to show the public and Con-

gress that much of the negative publicity surrounding the Comprehensive Employment and Training Act has been unwarranted and that the positive aspects of the program need to be given publicity.

Conference registration and housing information appear on this page. More information will appear in future editions of *County News*.

Food Stamp Cash Won't Run Short

Passage by the House of the Conference Report on the Food Stamp Act Amendments of 1979 means that the program will not run out of money early.

The centerpiece of the bill provides for an additional \$620 million for the food stamp program between now and Sept. 30 when the new fiscal year begins.

As Rep. Thomas Foley, (D-Wash.), chairman of the House Agriculture Committee noted, "this authorization will assure a smooth, uninterrupted continuation of the provision of food stamps benefits to nearly 19 million persons who are currently receiving them, over half of whom have incomes of less than \$300 a month and over 30 percent of whom are elderly."

The second major feature of the conference report is the provision dealing with excess medical and shelter cost deductions for the elderly, blind and disabled. In an effort to deal with several tangled provisions between the Senate and House bills and remain within legal scope of the conference, the committee compromised by establishing a threshold of \$35 for medical expenses which means that anything in excess of that amount can be deducted. The House also agreed to remove the ceiling on the allowable amount of the excess shelter expense deduction, which is now at \$90 a month.

The Conference Committee agreed on establishing three anti-fraud provisions. The first involves repayment for fraud that would allow states to collect fraud claims through a reduction of the food stamp allotment.

A second provision concerns states' share of recoveries. Each state would be allowed to retain 50 percent of the funds it recovered or collected from a person who committed fraud. The third anti-fraud section would authorize the Secretary of Agriculture and state agencies to require the use of Social Security numbers as a condition of eligibility for food stamps.

The Senate must act on the report after the congressional recess.

COUNTY NEWS
(USPS 704-620)

EDITOR: Bernard Hillenbrand
MANAGING EDITOR: Christine Greesock
PRODUCTION MANAGER: Michael Breeding
GRAPHICS: Karen Eldridge, Robert Redding,
and Deborah Salzer
ASSISTANT EDITOR: Joan Amico
WRITER/PHOTOGRAPHER: Paul Serber
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NACETA will sponsor NACo's Eighth National Employment Policy Conference

Sponsored by the National Association of County Employment and Training Administrators (NACETA)
with special sessions sponsored by the County Employee/Labor Relations Service (CELRS)

**Commonwealth Convention Center
Jefferson County (Louisville), Kentucky
October 14-17, 1979**

Workshops

For elected officials, CETA staff, labor relations staff, personnel directors, welfare directors, job service directors and service deliverers

PSE Management
Job Development
Youth Programs
Rural Programs
EEO/Affirmative Action
Job Classification
Public/Media Relations
OJT Designs
Private Sector Initiative
Welfare Reform
Targeted Jobs Tax Credit
Client Motivation
Counseling Techniques

Business Session

Election of Officers of the National Association of County Employment and Training Administrators

Regional Caucuses

General Session Speakers

House Education and Labor
Committee Chairman **Carl Perkins**,
Secretary of Labor **F. Ray Marshall**,
House Subcommittee on Employment Opportunities,
Ranking Minority Member **James Jeffords**,
Assistant Secretary of Labor **Ernest Green**,
and many other key congressional representatives,
staff and administration officials

General Information

Delegates to NACo's 8th Annual Employment Policy Conference can both preregister for the conference and reserve hotel accommodations by completing this form in full. Please use **one form for each** delegate registering for this conference. You must pay your Conference Registration Fee by check, voucher, or equivalent made payable to **National Association of Counties/Employment** and postmarked **no later than Sept. 10, 1979**. Return all of the above to **NACETA Conference Registration Center, 1735 New York Ave., N.W. Washington, D.C. 20006**. For further information, call 703/471-6180.

Conference Registration

All advance conference registrations must include payment and be postmarked no later than **Sept. 10, 1979**. No requests for conference registration will be accepted by telephone. Refunds of Conference Registration Fee will be made if cancellation is necessary, provided that written notice is postmarked no later than **Oct. 7, 1979**. Spouses must register to attend social events. No separate tickets will be sold.

CONFERENCE REGISTRATION

Check appropriate box(es) ☐ Delegate (\$95) ☐ Spouse (\$55)

Name Last First Middle Initial

Title

County

Prime Sponsor (If Appropriate)

Address

City State Zip Telephone

Name of Registered Spouse Last First

OFFICIAL HOUSING RESERVATION REQUEST

• Special conference room rates will be available to all delegates whose reservations are postmarked to the **NACETA Conference Registration Center** no later than **Sept. 10**.

• After Sept. 10 no hotel reservations will be made directly by the Conference Registration Center. However, the NACETA Registration Center (703/471-6180) will provide information on hotel room availability after Sept. 10 so that delegates can make their own hotel reservations.

• No housing reservations will be accepted over the telephone at any time by the Conference Registration Center.

Indicate hotel preference by circling rate under type of room:

Hotel	Single 1 person/1 bed	Double 2 persons/1 bed	Twin 2 persons/2 beds
Hyatt Regency	\$39	\$49	\$49
Galt House	\$35	\$43	\$43

Note: Suite information from Conference Registration Center (703/471-6180).

Name of individual

Co-occupant/Double or Twin

Arrival Date/Time Departure Date/Time

Special Hotel Requests

Credit Card Name Number

Authorized user's signature Expiration Date

☐ Check here if you have a housing related disability.

No room deposit required. Rooms may be guaranteed for after 6 p.m. arrival in writing by your county or by sending one night's deposit to the above address. For further housing information, call NACETA Conference Registration Center (703/471-6180).

For Office Use Only

Check No.

Check Amount

Date Received

Date Postmarked

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803/298-8411

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Courtland, Kan. 66939
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402/341-2055

NAMED BY NACo PRESIDENT

Steering Committee

NACo president Frank Francois has appointed the various chairmen and vice chairmen of NACo's 12 steering committees for 1979-80. They are all elected officials who have been appointed for one year.

NACo's steering committees study issues, recommend new policy positions and interpret the *American County Platform*, the

official policy statement.

In addition, a special committee

The chairmen and vice chairmen decided later this year will be appointed in an

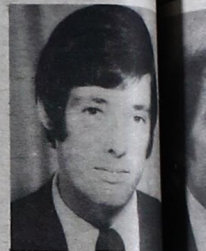
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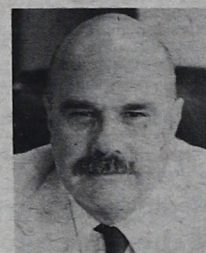


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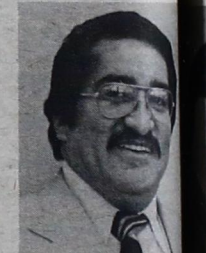
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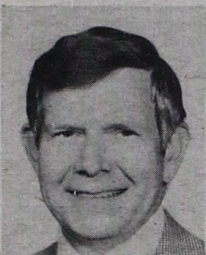
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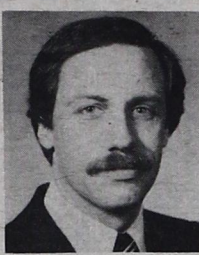
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City/County Building
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302/ 571-7520

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Labor and Employee Benefits



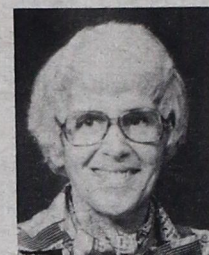
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5076

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5129

Debate Slows Welfare Bill Sign Off

Plagued by quorum problems and tight scheduling close to the August recess, the Ways and Means Committee was unable to report out the Administration's cash assistance welfare reform bill, H.R. 4904, before Congress adjourned on Aug. 3.

Debate in full committee during two days of mark up centered around a Republican-supported effort to amend the subcommittee bill to include a major provision of the Roussetot substitute, H.R. 4460. It ap-

pears unlikely that the substitute, authored by Rep. John H. Roussetot (R-Calif.), which would eliminate the current state-federal matching program for AFDC in favor of a block grant approach, has sufficient votes to be adopted instead of H.R. 4904. But a major feature of the block grant bill, encouraging some states to try out innovative alternative welfare systems unfiltered by federal controls, may have sufficient support to be amended into the full committee

bill as a trade off for minority votes.

The committee did agree to one amendment which makes recipients of public service employment (PSE) eligible for the Earned Income Tax Credit (EITC). They also agreed to a September time schedule for work on the bill which permits equal time for the Roussetot substitute and the compromise measure sponsored by Rep. Willis Gradison (R-Ohio), and which limits amendments to those submitted in writing by Aug. 15.

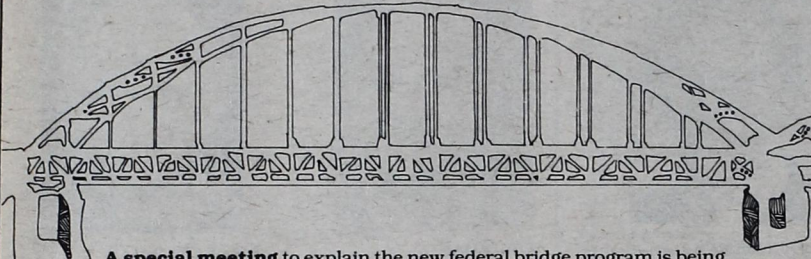
Although no vote was taken on the issue, Chairman Al Ullman (D-Ore.) indicated his intent to offer an amendment deleting the option for states to cash out food stamps for AFDC (Aid to Families with Dependent Children) recipients. The reason, said Ullman, is that the provision added in subcommittee by Rep. James Corman (D-Calif.), would require referral of the welfare bill to the Agriculture Committee to permit cashing out food stamps for SSI (Supplemental

Security Income) recipients with Agriculture committee action.

Ullman is holding to his commitment to timely action on Administration's bill. He took a within two weeks of the subcommittee action, and promised to reschedule it by mid-September. Meanwhile, action on the jobs portion of the Administration's welfare reform package, H.R. 4425 and 4426, is pending before the Education Labor Committee.

Attention: Idaho, Washington and Oregon County Officials

Help for Your Bridges is on the Way



A special meeting to explain the new federal bridge program is being held by the National Association of Counties Research, Inc. (NACoR). It is especially designed for county officials in Idaho, Washington and Oregon.

The **Highway Bridge Replacement and Rehabilitation** program is a source of billions of federal dollars. It may be the answer to your local bridge crisis, but it raises many questions:

- What are provisions of the bridge bill passed by the U.S. Congress?
- How are funds made available to counties?
- What federal and state rules and regulations must be followed?

During the meeting, county, state and federal officials will answer these and other questions, and NACoR will learn from you how to improve program administration and cut red tape.

You will also receive a packet containing the most up-to-date information on the bridge program and technical resources.

We encourage you to attend this important meeting so you will get your fair share of federal bridge funds.

Tuesday, Sept. 18 **Wednesday, Sept. 19**
2 p.m. **8 a.m. to 3 p.m.**
at the Holiday Inn, Boise, Idaho

A block of rooms has been set aside for you at the Boise Holiday Inn. **Please make your own reservations** directly with the Holiday Inn, **no later than Sept. 4, 1979**, and indicate that you will attend the NACoR bridge meeting: **Reservationist, Holiday Inn, 3300 Vista Avenue, Boise, Idaho 83705, 208/344-8365.**

Your \$35 registration fee will cover meal functions and packet information. To register, please complete the form below and send it to Marlene Glassman, Transportation Project Director, at NACoR by **Sept. 4, 1979**. If you do not pre-register, an on-site registration fee of \$40 will be charged.

NACoR BRIDGE MEETING REGISTRATION FORM September 18-19, 1979

Name _____

Title (include name of county if county official) _____

Address _____

City _____

State _____

Zip Code _____

Telephone (_____) _____

☐ Enclosed is my check for \$35 made payable to NACoR

☐ Please bill my county for \$35

RETURN TO NACoR BY SEPTEMBER 4, 1979

Entitlement Denied to Child Services Bill

The House passed legislation raising the ceiling for the Title XX Social Service program to \$3.1 billion for fiscal '79, but failed to establish child welfare services (Title IV-B) as an entitlement program. NACo, along with the Administration, supported the change to make the child welfare program an entitlement with a cap of \$266 million. Conversion of the Title IV-B program was deemed necessary to enact cost-saving reforms and to establish ongoing services to prevent unnecessary removal

of children from their families.

In a move spearheaded by Robert Michel (R-Ill.), the program was knocked out as an entitlement and will continue to go through the appropriations process. Basically this means that states will be unable to properly plan for a specified number of federal dollars in order to develop new foster care systems. Title IV-B is authorized funding at \$266 million, but has never been funded more than \$56 million.

Energy Board Fuels Controversy

Continued from page 1

state and local laws to speed up the building of critical energy facilities. Besides being controversial among the members of the committee, this provision has raised some questions regarding the Administration's position. As announced by the President in his energy message, and reiterated in his environmental message Aug. 2, (See article, page 3), the Administration's proposed authority for the board was limited to overrides of procedural and time requirements only.

However during committee debate it became clear that some members of the Administration were representing the President's position as favoring the total override contained in the bill as reported from the subcommittee. White House sources, while indicating that the official position is unchanged, stated that support for a strong Commerce Committee bill might be used to balance off the "weak" version passed by the

Interior Committee. Consequently both opponents and proponents of the Wirth amendment have claimed Administration support. Since a journey, repeated conversations with White House and Department of Energy personnel have resulted, continued support for the Administration's position.

The battle over the mobilization board and the Wirth amendment will be renewed with vigor when Congress returns in September. It is essential that each member of the Interstate and Foreign Commerce Committee returns with a clear understanding of the concerns of counties. Besides the constitutional question of allowing an appointive federal body to override state and local laws, the bill raises the additional question of whether a three-member board is better equipped than state and local governments to make substantive decisions in this area.

For more information contact Marlene Croke at NACo, 202/785-9577.

House Interstate and Foreign Commerce Committee

Democrats

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 Lionel Van Deerlin, Calif.
 John M. Murphy, N.Y.
 David E. Satterfield, III, Va.
 Bob Eckhardt, Texas
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 Ronald M. Mottl, Ohio
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 Allan Byron Swift, Wash.
 Mickey Leland, Texas
 Richard C. Shelby, Ala.
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 Jim Santini, Nev.
 Andrew Maguire, N.J.
 Martin A. Russo, Ill.
 Edward J. Markey, Mass.
 Thomas A. Luken, Ohio
 Doug Walgren, Pa.

Republicans

James T. Broyhill, N.C.
 Tim Lee Carter, Ky.
 Clarence J. Brown, Ohio
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 Norman F. Lent, N.Y.
 Edward R. Madigan, Ill.
 Carlos J. Moorhead, Calif.

Matthew J. Rinaldo, N.J.
 Dave Stockman, Mich.
 Marc L. Marks, Pa.
 Tom Corcoran, Ill.
 Gary Lee, N.Y.
 Tom Loeffler, Texas
 William E. Dannemeyer, Calif.

Awards for Park and Recreation Contributions

The National Association of County Park and Recreation Officials, an affiliate of NACo, presented 14 awards to those people and organizations whose contributions to the field of park and recreation have been outstanding. Charlotte Williams, NACo outgoing president, on hand to praise them.

The highest award presented by NACo is the Fellow Award, given to park and recreation professionals. Truncer of Monmouth County, N.J., Richard Bryant of Montgomery County, Ohio and William Landahl of Jackson County, Mo. were the recipients for 1979.

Truncer, a past president of NACo, has served as secretary-treasurer of his park system

for 14 years. His excellence in park management has not only improved and expanded the park and recreation programs in Monmouth County, but through his published papers and speaking activities, he has touched local governments nationwide.

Bryant, also a NACPRO past president, served 23 years as director of the recreation system before his recent promotion to director of special projects. Bryant spearheaded many projects in Montgomery County leading to national recognition for the county system by the federal government.

Landahl has been director of Jackson County parks for 20 years, building a small system into 21,000 acres of open space. He has been ac-

tive on a nationwide level through lectures and articles, and served as NACPRO president several years ago.

Organizations honored were the interpretive staff of the Monmouth County Park System, and the Northampton County Department of Parks and Recreation, Va.

The Monmouth County Interpretive staff of the Naturalist Program begun in 1965, has since more than tripled the participation of county citizens. Program staff have also reached out to school and religious groups, scouts and youth camps, service and civic organizations as well as industry.

The Northampton County parks and recreation department began in 1975, serving a rural area of 15,000

people. With a limited budget, the department has developed a sound recreation program for county residents.

Two awards were presented to outstanding members of park boards or commissions, which are made up of citizens of the county. Frederick Crabtree of Fairfax County, Va. and Joseph Newland of Montgomery County, Ohio accepted these awards from NACo's immediate past president.

The Friend of Recreation award is presented to a lay individual or organization making a major contribution to benefit parks and recreation. Recipients for 1979 included:

- Harriet and Henderson Yarns (Henderson-Vance County Recreation and Parks, N.C.) for their financial, leadership and technical assistance to the parks system.
- Keith Holman (Utah County, Utah) for contributing thousands of hours of his time in carrying out a wide variety of projects.
- James Cain (Greene County, Ohio) for his leadership in parks

and recreation as a member of the board of county commissioners.

- Sen. David Durenberger (R-Minn.) for his outstanding contribution on the local level when he served as member of the Metropolitan Parks and Open Space Commission and of the Board of Commissioners of the Hennepin County Park Reserve District.
- Cave Spring Park Association (Jackson County, Mo.) for its efforts in promoting the acquisition and development of a county park in Raytown and Kansas City.
- Rockford Rotary Club (Winnebago County, Ill.) for obtaining land donations of over 1,200 acres of park land to the Forest Preserve District.
- Robert Duncanson (Broward County, Fla.) for his service to the county commission in development and promotion of a recent bond issue.

NACPRO also honored its past president, Donald Hull, former park director of Accomac County, Va. for his enthusiastic service to the affiliate.

Full Federal Aid for Refugees

Continued from page 1

If there is no 100 percent federal funding for the current fiscal year, county costs for refugee relief will exceed \$2 million in 1980.

Although Ramsey County's refugee situation sounds unusual, it is being experienced in localities elsewhere that have large numbers of refugees. Unusually, only 10 states have had more than 5,000 refugees (over half the nation's refugee population reside in California, Texas, Pennsylvania, Illinois, Washington, Virginia, Illinois, Florida, New York, and Minnesota). But this is expected to change, since the United States is admitting 14,000 new refugees each month. With as many as 2,000 arriving daily, the U.S. population of refugees will double within a year.

In California, the most heavily impacted state, 80 percent of all the refugees are receiving cash assistance, Medicaid, or food stamps. Eighty percent of all the refugee

recipients in Los Angeles County have been in the United States three years or more. If assistance were limited to 36 months, the county would have to begin paying over \$3.5 million in welfare costs for fiscal '80. More than 16,000 refugees are now receiving assistance in Los Angeles County. At least one-third of them moved to Los Angeles after being "settled" elsewhere in the United States.

CONGRESSIONAL ACTION

House and Senate amendments to the Administration's Refugee Act of 1979 were developed simultaneously last week. Sen. Alan Cranston (D-Calif.) and S.I. Hayakawa (R-Calif.) agreed to amend the Kennedy-Administration bill, S. 643, to allow 36 months' assistance from date of entry into the United States for refugees entering after Nov. 1, 1979, and to allow a two-year continuance for refugees already here by Sept. 30, 1979. In the House, a substitute to H.R.

2816 offered by Rep. Elizabeth Holtzman (D-N.Y.) was approved by the subcommittee on immigration, refugees, and international law which she chairs. The subcommittee also unanimously approved an amendment by Rep. George Danielson (D-Calif.) that would extend IRAP for refugees already here for one more year, and limit assistance to 48 months from date of entry for refugees arriving after Nov. 1, 1979.

Echoing the NACo position, Rep. Danielson said, "The recent decision to accept 14,000 new refugees per month is a responsible and humanitarian gesture to a tragic world problem, but the cost of the resettlement process should be fully funded by the federal government and not by the individual counties and states where they reside."

County officials should contact individual members in their district offices during the August recess to support continuing 100 percent federal IRAP for refugees already in the United States and on welfare.

Mine Safety Rules Called Major Burden for Counties

Continued from page 1

of Labor has the discretion to determine whether or not a civil penalty should be proposed in cases of "non-serious" violations of OSHA, the Federal Mine Safety Act imposes a system of mandatory monetary penalties for any violation of the act.

Herbert Cowhick, Faulk County (S.D.) commissioner and a member of the NACo Board of Directors, stated that MSHA has been assessing mandatory penalties against local governments "with particular zeal." In one case, over \$19,000 in penalties was assessed against Oneida County, N.Y. as a result of a fatality investigation at a county-run operation.

In addition to the substantial administrative and financial burden imposed by the act itself on local and state governments, Cowhick was also critical of the training regulations which were recently issued by MSHA under authority of the act and which have been under continued attack in the Congress. Among other provisions, five specific types of training are required in the regulations. For example, newly employed "miners" must receive 24 hours of training with 12 specific courses required as well as any additional courses which the MSHA training center chief deems appropriate.

St. Louis County (Minnesota) officials estimate that the cost of providing the required MSHA training will approach \$100,000 during the first year. The county which currently operates 352 sand, gravel and stone pits is responsible for maintaining approximately 3,150 miles of road. Local officials believe that the cost of complying with the regulations will have an adverse effect on the level of road maintenance and improvements provided the public. They echo Sen. Muskie's view that the MSHA training regulations "impose unreasonably complex procedures on nonspecialized and undermanned local governments."

In introducing S. 1692, Sen. Melcher stated that "there is a distressingly pervasive attitude in this city that the federal government always knows what is best for state and local governments. I want to make the record unequivocally clear: the county commissioners and city of-

ficials of Montana and throughout the nation care just as much about the safety and health of their employees as does any member of Congress or any other federal official. Indeed, they may care more since the potential accident victims are their friends and neighbors."

County officials are urged to contact their senators in support of S. 1692. For further information on the Melcher-Muskie bill, contact Chuck Loveless of the NACo staff, 202/785-9577.

—Chuck Loveless

Editor's Note: In a related development last week, House and Senate conferees on the Labor/HEW appropriations bill agreed to delete next year's appropriation for enforcement of the MSHA training regulations as they apply to surface sand, gravel, stone and clay mining operations.

Job Opportunities

Personnel Director, Orange County, N.C. Salary \$17,700-\$23,532. Responsible for planning, organizing, and directing the county's central personnel functions. Knowledge of personnel practices desired. Degree in personnel administration, public administration, or related field, with two years experience preferred. Resume to: Orange County Manager's Office, County Courthouse, 106 E. Margaret Lane, Hillsborough, N.C. 27278.

Director of Public Works, Carroll County, Md. Salary \$26,136-\$36,590. Responsible for highway and bridge maintenance, general engineering, solid waste disposal, etc. Ten years experience in engineering with five years at the supervisory level, with degree in engineering. Resume to: Office of Personnel, County Office Building, 225 North Center Street, Westminster, Md. 21157. Closing date: Aug. 24.

Community Development Administrator, Collier County, Fla. Salary \$24,200-\$33,900. Master's degree in planning or public administration with knowledge of environmental protection and growth management techniques. Five years of professional experience with transfer of development rights, capital programming, and community development block grant programs. Resume to: C.W. Norman, County Manager, County Complex, Naples, Fla. 33942.

Planning Engineer, Spartanburg County, N.C. To administer the subdivision regulations for control of land in the county. Degree in engineering with three years experience. P.E. preferred. Resume to: Thomas E. Hughes, personnel director, Spartanburg County Courthouse, Spartanburg, S.C. 29034, 803/461-294.

Matter and Measure



DEMONSTRATION PROJECT

The Federal Highway Administration (FHWA) will conduct a Region 15 demonstration project at the end of August. Demonstration Project 38 on Air Quality will be held Aug. 28 and 29, at the Department of Transportation, in Columbus, Conn. Richard Boden, 614/466-8955, for more information.

MTA PUBLIC HEARING REQUIREMENTS

The Urban Mass Transportation Administration (MTA) has issued a proposed rule in the Federal Register concerning the need for public hearings as required by the Surface Transportation Assistance Act of 1978. Under the proposed rule no recipients of Section 5 operating funds should have decided after Nov. 6, 1978 on a transit fare increase or a substantial change in service without a public hearing or without giving proper consideration to the energy, economic, environmental and social impact of such changes. Decisions made before that date, but taking effect after Nov. 6, 1978 are exempt from the proposed rule.

Please send comments by Aug. 24 to Chuck Reidbord at NACo. Chuck can also furnish copies of the Federal Register notice.

ALL ROADS REPORT NO JULY 4 FATALITIES

Forty-nine U.S. toll roads carried 4.3 million vehicles during the 36-hour July 4 holiday period without a single fatality. The International Bridge, Tunnel and Turnpike Association has reported.

Most of the roads reported moderate traffic during the midweek holiday period from 6 p.m. Tuesday, July 3, through midnight Wednesday, July 4," said Roy G. Easter, IBTTA President.

Traffic was greater than the most recent midweek Independence Day holiday in 1973, when some 60,000 vehicles were recorded. But this year's traffic

traveled fewer miles—107.5 million miles, compared with 116 million in '73," Lancaster noted. There were three fatalities that year and a total of 162 accidents. In 1979, there were only 90 accidents reported throughout the nation's turnpikes, with no fatalities. Thirty-one of the 49 roads reporting had no accidents.

WORKSHOP REPORT AVAILABLE

Federal, state and county transportation officials met in Trenton, N.J. earlier this year in a continuing NACoR transportation team workshop effort to improve communications among levels of government. The Surface Transportation Assistance Act of 1978 and rules and regulations on environmental assessment were selected as discussion topics by the New Jersey Association of County Engineers.

The workshop provided an opportunity for county engineers to learn more about the act and FHWA environmental assessment requirements, including regulations affecting historic bridge projects. Many county engineers at the workshop expressed frustration over the amount of time it takes for environmental assessment approvals for federal-aid highway projects.

NACoR's report of the workshop includes a summary of Dale E. Wilken's presentation on federal environmental assessment procedures. Wilken, chief, Environmental Review Branch, FHWA Office of Environmental Policy, reviewed and FHWA brochure he distributed to workshop attendees entitled "Environmental Assessment Process for Federal-Aid Highway Projects," which defines steps taken during the assessment process.

Although many issues identified suggest a need for improved intergovernmental communications for New Jersey Transportation officials, the actions proposed to solve them are applicable anywhere.

For a copy of the New Jersey workshop report, contact Chuck Reidbord at NACo.

NACo Answers the Bell for Criminal Justice & Public Safety

There's no doubt about it! County officials stand on the front line to protect the lives and property of their citizens.

Whether the job is cleaning up after a flood, finding homes for displaced fire victims, or policing crime ridden areas, county government is responsive to the need and responsible for the solution.

These have always been county jobs. But now the problems and the solutions have become increasingly complex.

Where once youngsters could be locked up for minor offenses, now young people—and their parents—are very aware of their "rights." How can rights and community protection be balanced?

Where sudden fire and flash flooding were once the worst dangers county officials could envision, now nuclear waste and chemical fallout pose long-term hazards to their neighbors.

Where it was once enough to put the criminal out of sight in the state pen, now an enlightened justice system looks for ways to bring the ex-offender back into his community.

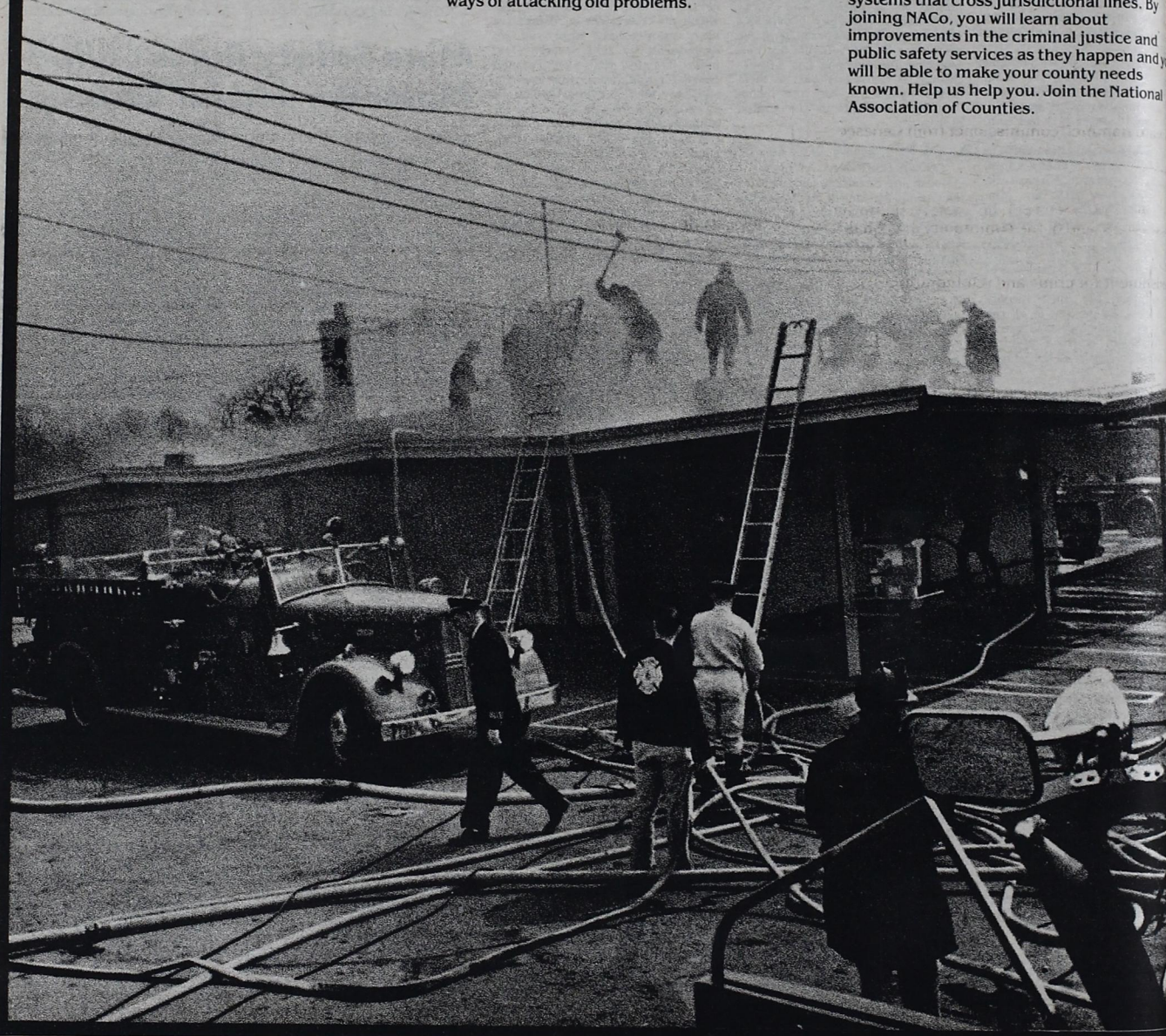
Where, over the years, harsh punishment gave way to awareness of the rights of the accused, now the suffering of the victim is attracting more public attention.

NACo is here to make sure you, the county official, are kept aware of changes in philosophy and technical know-how, and new ways of attacking old problems.

Beginning with the assessment center at the jail door which channels many potential inmates to community programs, through education and counseling services within the jail, to support services after release, NACo can put you in touch with what other counties are doing and with federal and state funding which can help you beef up your services.

NACo is aware of the newest programs in assistance to victims and witnesses and in arbitration services which divert both adults and young people from the criminal justice system.

NACo can tell you about emergency communications systems, fire protection planning, a more effective role for the coroner/medical examiner, and corrections systems that cross jurisdictional lines. By joining NACo, you will learn about improvements in the criminal justice and public safety services as they happen and you will be able to make your county needs known. Help us help you. Join the National Association of Counties.



Special Report

12

NACo CRIMINAL JUSTICE AND PUBLIC SAFETY TEAM

This is the 12th and last in a special NACo series to introduce our staff teams.

We have been proud to publish these profiles because they have marked our successes and spotlighted our people. They also have measured how much still needs to be done.

We have saved for last our criminal justice and public safety team. They serve you in a sensitive, difficult area where citizens demand competent service, where change has been rampant the last 10 years, and where for criminal justice alone, counties and county-type governments outspend every other level of government.

In 1977, the last year for which totals are available, that figure was over \$7 billion.

Herb Jones, a NACo associate director, heads the 10-member criminal justice and public safety team. We see these men and women as county advocates who tell Washington policymakers your story, and, in turn, tell you what's happening here.

We commend steering committee chairman Richard Hammel, commissioner from Genesee County, Mich., and the committee's 65 members who communicate directly to the team your current concerns.

The protection of a person's safety, home, and possessions, and of the community itself, has been a primary job in every society. So have the controversial questions of meting out punishment for crime and reintegrating offenders back into the community.

But as societies become more complex, so do the range of protections. New laws have broadened the rights of juveniles, of prisoners, of those accused of crime. Overcrowded jails and backlogged courts deny justice to victim and accused alike. Child and spouse abuse raises questions with few answers so far.

Here's the Record

In the area of legislation, NACo has endeavored to get you some of the tools you need. Here are some examples:

- Worked vigorously for the 1968 passage of the Law Enforcement Assistance Administration (LEAA) bill that for the first time gave block grant funds to states—which counties could use—to upgrade, modernize, and study their criminal justice systems. In the truest sense, this was landmark legislation.
- Fought successfully during the 1973 LEAA authorization for mini-block grants that required states to allocate LEAA funds to counties and local governments based on acceptable plans.
- Is a prime mover behind current legislation to give urban counties LEAA block grants with more independence from state regulation. This important change, contained in the 1979 LEAA authorization, has passed the Senate and awaits House action.
- Was an early and strong supporter of the 1974 Juvenile Justice and Delinquency Act that gave juvenile delinquents and juvenile offenders a variety of protections, including being jailed separately from adults.
- Worked intensively for laws to establish local programs to combat domestic violence, and to extend justice mechanisms through mediation

and arbitration programs, assist victims of crimes to return to normal lives, and help community groups fight neighborhood crime.

NACo's criminal justice and public safety team is now gearing up for renewal of two major pieces of legislation. Under the 1980 reauthorization of the Juvenile Justice and Delinquency Act, NACo will seek funding for counties to improve their delinquency prevention programs.

NACo also will promote a bill to get federal funds for building new jails and renovating old ones after counties have devised plans to get out of jail those prisoners who don't belong there, such as the mentally ill and retarded, those unable to meet bail, alcoholics, and some juvenile offenders.

Reporting to You

Representing you before Congress is one role the team plays. The other is reporting to you and responding to your concerns.

12 Ways NACo Helps You

NACo's Criminal Justice and Public Safety Team takes its lead from the Criminal Justice and Public Safety Steering Committee, chaired by Richard Hammel, commissioner, Genesee County, Mich. The steering committee, made up of county officials from all parts of the country, determines legislative policy which is then reviewed by the NACo Board of Directors and voted on by our members at the annual conference.

NACo's 12 Steering Committees are:
Community Development
Criminal Justice and Public Safety
Employment
Environment and Energy
Health and Education
Home Rule and Regional Affairs
Labor Management Relations
Land Use
Public Lands
Taxation and Finance
Transportation
Welfare and Social Services

- Publications. The criminal justice and public safety team last November put out a handsome, 12-page booklet, *The Local Criminal Justice System: Myths and Realities*. Just out is *Juveniles and the Law: What County Officials Should Know*. Both are available on request.

Coming soon will be major booklets on sources of federal funds and juvenile justice alternative programs.

- Fact Sheets. One on serious juvenile offenders is available. Two others dealing with victim services and public defender systems soon will be ready. Another on rural juvenile justice programs will be published by year's end.

- Staffing. This NACo team staffs the National Association of County Civil Attorneys (NACCA), a NACo affiliate. The ranks of these legal advisers to elected county officials is growing as problems such as collective bargaining and civil liability increase.

Also, under a new grant received from the Defense Civil Preparedness Agency, the team will study emergency management—the information county officials must know before and after natural and manmade disasters.

A guide for counties on fire protection planning will be published as a result of another grant.

In addition, the team has collaborated with a variety of groups looking for answers to problems county officials face firsthand. They include the National Coalition for Jail Reform and another on juvenile justice. Last May, NACo cosponsored with the National District Attorneys Association a conference on civil liability in Chicago.

Here are the rest of the criminal justice and public safety specialists. They are on hand to help you; give them a call:

Criminal Justice,
Law Enforcement..... Don Murray
Jan Frohman
Planning, Courts, NACCA..... Clarice Williams
Fire Protection and
Emergency Management..... Duane Baltz
Juvenile Justice..... Rod O'Connor
Choice Richardson
Patti Levine
Corrections..... Nancy Dawson

GIVE US A CHANCE TO SOLVE YOUR PROBLEMS! RETURN THIS COUPON TODAY!

Name _____ Title _____
Address _____
Zip _____
Telephone _____
Your Criminal Justice or Public Safety Problem _____

General Revenue Sharing

A Short Course ... Where We Are ... What's Ahead

With the onset of the 96th Congress, NACO began to lay the groundwork for the renewal of the general revenue sharing program which expires Sept. 30, 1980. Past history taught that the renewal battle would be long and hard fought.

But instead of working to shape new legislation, NACO along with its partners in revenue sharing—state and cities—has had to stave off attempts from all sides to slash funds from the remaining year of the program (fiscal '80). Attacks were chiefly aimed at the state's share.

This was compounded by the existence of a lack of commitment of renewal from the Administration, alleged state surplus funds, states' call for a constitutional balanced budget amendment and double digit inflation now turned to a recession. Each of these conditions remain. It is time that is running out.

Call To Action

County officials are urged to act now to secure support for revenue sharing. While Congress is home for August, make plans to talk with your congressman or woman about voting for full funds in the Second Budget Resolution for the 1980 program after they get back from recess and about renewing the program in this Congress.

Press home the point that revenue sharing is the most economical federal aid program yet devised. Since the money goes directly to counties and cities, administrative costs are minimal.

Also stress that the flexible unrestricted formula allows decisions about local problems to be made by local officials who know best what they are.

In tandem with lobbying Congress, county officials should be educating the public about the importance of revenue sharing to the community. The public needs to see a budget which includes revenue sharing funds and a budget which has none. The taxpayers should be made to realize the importance of revenue sharing dollars to the quality of life in the community, and that to compensate for a loss or reduction of these funds, local officials would have to raise local taxes or cut existing services.

The following information is an attempt to shed some light on what has happened with general revenue sharing and what the future holds. Make use of it in your discussions with your congressmen.

What is Revenue Sharing

Congress created general revenue sharing with passage of the State and Local Fiscal Assistance Act of 1972. The program was originally designed to share the progressive federal income tax with state and local governments which traditionally rely on more regressive taxes. Its goal was to disburse federal funds with minimum restrictions on use, permitting local officials to determine how the money should be spent.

Originally, however, funds had to be used for capital expenditures and for eight specific operating and maintenance categories. But amendments approved in 1976 allow funds to be used for any purpose which is a legal use of the government's own funds under state and local law, from road equipment to social services to courthouse repair.

The original legislation authorized the return of \$30.2 billion to state and local government over five years ending Dec. 31, 1976. The 1976 amendments authorized an additional \$25.6 billion to the nearly 39,000 eligible states, counties, cities, towns, townships, Indian tribes and Alaskan native villages.

Revenue sharing is an "entitlement" program. This means that no application is necessary to receive funds. Based upon data furnished by the Census Bureau and other agencies, funds are distributed to eligible governments. To be eligible, governments must return a simple form certifying that funds will be spent in accordance with the law.

One third of the total appropriation is reserved for the states with the remainder distributed to county and municipal governments. Allocations are determined by mathe-

matematical formula which includes population, per capita income, local taxing effort, and intergovernment transfers.

The program is administered by the Office of Revenue Sharing (ORS), Department of the Treasury.

Lining Up Support

The timetable for revenue sharing renewal is principally set by the Administration.

At the beginning of the 96th Congress, it was widely held that the Administration would have to indicate its position on renewal no later than May 15, 1979, in order to comply with Section 607 of the Budget Reform Act of 1974. That act requires that renewed authorizations of major programs be submitted to Congress by May 15 of the fiscal year prior to the year of the program's expiration.

The May 15 deadline has come and gone. The Administration has interpreted the act to mean that it is only required to submit a budget figure for fiscal '80 and thus included a "current services" figure of \$6.85 billion.

This cannot be interpreted as a signal that the Administration is either for or against renewal. It is simply the budget figure Carter submitted in case the program is renewed.

To date, there is no word on the President's position. Carter has elected not to take a position on renewal until next January when the 1981 budget is presented. Hence, although there are renewal bills in both Houses of Congress and oversight hearings have been scheduled, their effect is minimal until the Administration can be tied down.

NACO has been working to press the Administration for an early commitment.

In the meantime, however, congressional action this year does shed some light on the obstacles revenue sharing renewal may face next year.

Repeated attacks on the current revenue sharing program—principally directed at the state's share—have been launched in both House and Senate committees.

During the debate on the First Budget Resolution (where the House and Senate set target dollars for various functions), revenue sharing appeared to be a popular item for budget cutters.

In April, the House Budget Committee recommended in the First Budget Resolution that state government be excluded from participating in the current revenue sharing program. Specifically, the committee recommended a \$2.3 billion cut. Prior to that action, Sen. Lloyd Bentsen (D-Tex.) had submitted legislation, S. 263, to terminate the state's share.

Since that time, the attack on revenue sharing has been constant. NACO, with other public interest groups, has fought attempts to slash revenue sharing on 10 separate votes in either a committee or on the full floor of both the House and Senate.

The most recent vote, reported in last week's *County News*, was an amendment to the Senate appropriations bill (HUD-independent agencies) offered by Sen. William Proxmire (D-Wis.). The amendment, which would have cut 10 percent of the 1980 revenue sharing fund, was defeated 59-31 on the Senate floor.

Added to these numerous attacks has been a number of procedural points which lend increased complexity to the individual actions. At question is the authority of various committees, especially the Budget and Appropriation Committees to "legislate." While cuts have been directed at the states' share for example, it is generally believed that Congress would have to pass separate deauthorizing legislation to the current general revenue sharing law specifically exempting states. If such legislation were not passed it would seem that approved reductions of funds would cut across the entire program.

The problem was made clear when a point of order was sustained on the Senate floor recently declaring that the Appropriations Committee amendment to cut the state share was out of order since it had the effect of "legislating."

On Aug. 1, the Senate Budget Committee voted to recommend full funding for the general revenue sharing program in its Second

GRS Activities

JANUARY

- President submits fiscal '80 budget recommending full amount.
- Sen. Lloyd Bentsen (D-Texas) submits legislation to cut state's share.

FEBRUARY-MARCH

- House and Senate Budget Committees begin work on First Concurrent Budget Resolution.

APRIL

- House Budget Committee cuts full state's share of GRS funds on voice vote.
- Senate Budget Committee recommends full GRS funding.

MAY

- Three key votes in the House to restore all or part of GRS funds local.
- House votes to reject House-Senate Conference report which restores \$1.75 billion to GRS.
- House passes Budget Resolution with \$1.75 billion.

JUNE

- House Appropriation Committee recommends full funding of GRS. Full House approves committee's recommendation after amendments to cut GRS are defeated.

JULY

- Senate votes full funding of GRS after floor amendment to cut \$684 million is defeated.

Concurrent Budget Resolution. The House Budget Committee, which recommended cutting the state's share in the First Concurrent Budget Resolution, will convene after the August recess. Still another fight may occur should the committee not recommend full funding.

Options for Renewal

As Congress wrestles with current funding federal agencies are exploring future options for renewal.

Last year, a paper on the "Future of General Revenue Sharing" was developed by the Office of Revenue Sharing for Treasury. Included in the report were five options representing both ends of the spectrum:

- Allow funding to at least partially account for inflation (\$11.8 billion in 1982).
- Hold funding at the current combined level of general revenue sharing and anti-recession assistance (\$7.9 billion).
- Reduce funding by eliminating state government entitlements (\$5.3 billion).
- Eliminate the program and replace it with another federal program(s) of assistance to the state and local government (such as welfare reform or Medicaid assumption).
- Eliminate the program in order to reduce the federal deficit.

In addition, federal officials have toyed with the idea of redesigning revenue sharing in other ways.

Some policymakers have called for targeting funds more directly at fiscally distressed areas, either through formula changes or a countercyclical assistance component.

(Countercyclical legislation is currently being considered by both the House and Senate. At one point, the House Budget Committee indicated that any targeted fiscal aid should come out of the revenue sharing pot.)

Some congressmen have also called for more restrictions on the use of revenue sharing dollars in order to meet national tax or service delivery goals. This, in essence, would turn revenue sharing into an entitlement categorical program.

Need for Renewal

The need for continued revenue sharing—only flexible, unrestricted aid to state and local governments—is glaring. The Advisory Commission on Intergovernmental Relations (ACIR) has pointed out a number of reasons why:

- As the most labor intensive of the governmental levels, local jurisdictions combine strong pressures for greater outlays in personnel and services with the pressures of soaring inflation.

• The revenue sharing program allows state and local officials wide discretion to respond to the varying demands of their constituents. And unrestricted aid to state and local governments helps meet the costs of uncompensated federally mandated programs.

- The low administrative cost of revenue sharing makes it the least inflationary program for state and local governments.

• A move to cut states out of revenue sharing might result in reduced aid to local governments. Many states' share of revenue sharing helps support local schools, health systems, etc.

- The trend of use for revenue sharing has moved away from capital outlays to maintenance and operation budgets.

A reduction or elimination in revenue sharing cannot be offset by local revenue which are tied principally to the property tax. There are other reasons why revenue sharing must be renewed.

At a meeting last week with the Office of Management and Budget (OMB) the federal government admitted that, given two quarters of economic decline, the country is in a recession. General revenue sharing acts as a cushion to diminish the magnitude of state and local budgetary disruptions in recessionary periods.

Furthermore, current economic statistics predict more than 8 percent unemployment by the end of the year. Elimination of general revenue sharing would throw an estimated 188,000 to 330,000 additional employees out of work.

It has been a common charge by opponents of revenue sharing that the state-local sector is currently in surplus and that the fiscal vacuum today differs significantly from that of 1970 when the revenue sharing program was first enacted. This is incorrect. Given the recessionary environment, the country is now entering which was preceded by double-digit inflation, the fiscal environment is equally as acute as in 1970.

For local government, high inflation has increased spending for goods and labor. Local governments have been legally strung from expanding into new sources of revenues—such as income or sales taxes—to meet inflationary pressures.

In summary, the case for revenue sharing renewal remains strong.

NACO Position

NACO's current policy states that general revenue sharing should be renewed in its existing form and dollar level, with funding tied to the rate of inflation.

Local governments' fiscal position remains precarious and continues to rely on regressive property tax. Revenue sharing helps stabilize local budgets and relieve cost burden of federal mandates.

ACIR concluded in March 1979:

"The commission finds that fiscal decisionmaking imbalances still exist in the federal system, and that the federal government is in the unique position to remedy inequities through unrestricted aid to state and local governments. The commission further concludes that the general revenue sharing program represents the 'best of the bargains' because it allows state and local officials wide discretion to respond to varying demands of their constituents. The commission therefore recommends that the Administration give its full support to and Congress renew the general revenue sharing program, retaining as recipients both state and local general governments."

—Bruce T.