

This Week

• Continuing resolution funds programs through Nov. 20, see page 3.
• Special Criminal Justice Report on Police Consolidation, see page 5.

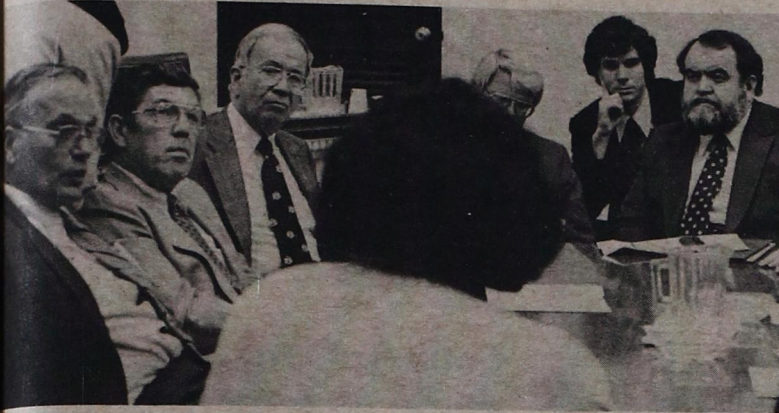
Vol. 11, No. 41

COUNTY NEWS

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

October 22, 1979

NACo
Washington, D.C.



ENERGY DEBATE HEATS UP—The Energy Task Force of the New Coalition meets with Reps. John Dingell and Clarence Brown, far left, to voice its opposition to the far-reaching authority given to the proposed energy mobilization board in the House Commerce Committee bill. Seen at far right is NACo President Frank Francois.

OMB Override Powers Opposed

The New Coalition's Energy Task Force locked horns last week with members of the House Interstate Foreign Commerce Committee over how much power the President's proposed energy mobilization board would have in "speeding up" priority projects.

The Commerce Committee bill which would empower the board to override state and local laws.

Representing NACo at the congressional meeting were President Frank Francois, councilman, Prince George's County, Md.; Environment and Energy Co-chairmen Bay Haas, commissioner, Mobile County, Ala. and Harvey Ruvin, commissioner, Dade County, Fla., and chairman of the energy policy subcommittee Norm Gustavson, commissioner, Orange County, N.C.

The New Coalition, which is made up of governors, state legislators,

county and city officials, had previously met and established policy on the energy mobilization board and had relayed that policy to the President at a White House meeting last month. Last week's meetings were designed to raise concerns about the proposed authority for the board to the key members of the House where two versions of an energy mobilization board bill have been reported to

See NEW, page 4

Major Thrust Aimed at Hospital Cost Bill

A meeting at the White House last week with NACo and other groups representing state and city interests, top Administration officials reaffirmed the commitment to major health initiatives: hospital containment legislation and President Carter's proposal for universal health insurance.

The Administration is pressing for passage of the cost containment bill as the first step in its effort to obtain major benefits under a national health insurance package. Some \$32 billion in hospital costs is projected to be saved under the bill, including \$10 billion in federal, \$6 billion in state and local and the remainder in other dollars. These projected savings would help offset spending for additional health benefits under a national health insurance package.

Such high stakes in the bill, the Hospital Cost Containment Act of 1979 is undergoing a lobbying effort to ensure the bill's passage. The House bill, H.R. 570, which was voted out of the Senate Labor and Human Resources Committee in June, is expected to be introduced on the Senate floor by Sen. Gaylord Nelson (D-Wis.) as a substitute for a more limited cost containment provision in another bill. Senate action should come on

this amendment on the House floor, and then to support final passage of the Administration's bill.

More than 30 organizations, including NACo, other public interest groups, the major unions and private insurance companies have joined forces to counter the massive effort undertaken by hospital and medical interests which last year succeeded in blocking congressional approval of a cost containment bill. They argued that a voluntary effort to contain costs could do the job without mandatory controls.

This year, however, the rate of increase in hospital costs is still exceeding the voluntary limit of 11.6 percent set by the hospital industry. The current proposed legislation adopts the hospitals' own voluntary target. Should that nationwide target be exceeded, a mandatory program of controls would be imposed on a hospital-by-hospital basis.

In the Senate, the Administration's cost containment bill, S. 570, which was voted out of the Senate Labor and Human Resources Committee in June, is expected to be introduced on the Senate floor by Sen. Gaylord Nelson (D-Wis.) as a substitute for a more limited cost containment provision in another bill. Senate action should come on

See COST, page 2

Welfare Bill to See Action

Fiscal relief for welfare costs may still be possible next year if the House passes H.R. 4904, the Social Welfare Reform Amendments of 1979 before adjourning around Dec. 7. Growing concern about the low priority assigned to welfare reform by the Administration and the Congress were alleviated last week when Rep. James Corman (D-Calif.) emerged from a meeting with the leadership of the House and the Rules Committee with scheduling agreements. Corman announced that the Rules Committee would take up the request for a closed rule on Oct. 23 and that full House action is tentatively set for Oct. 30.

H.R. 4094 IS the cash assistance half of the Administration's welfare reform proposal. Activity on the welfare reform jobs bill, H.R. 4425, Work and Training Opportunities Act of 1979, is just beginning Oct. 25 with hearings in the House Education and Labor subcommittee on employment opportunities. Although passage of the jobs portion is an essential part of the fiscal relief, substantial fiscal relief would occur from the increased federal matching

of Aid to Families with Dependent Children costs. (See chart, page 8.)

The bill proposes a set of major incremental changes in the AFDC program which would simplify program administration, improve benefits in 13 states, and increase the federal share of AFDC costs in all states. The combined greater federal share and administrative savings would result in \$900 million in fiscal relief to states and counties beginning in 1981. Major simplification of the welfare system would occur through alignment of AFDC and food stamp eligibility definitions for income, assets and resources, and by standardizing work expense deductions. Food stamp benefits would be cashed out for Supplement Security Income recipients in all states and cash out

See HOUSE, page 8

House Votes New LEAA

The Justice System Improvement Act that would reauthorize the Law Enforcement Assistance Administration passed the House Oct. 12 by a vote of 220 to 54. The bill must now go to conference committee where differences between the House and Senate versions of the bill will be ironed out.

The authorization for LEAA expired at the end of last month, and the agency is operating on a continuing resolution.

A number of amendments to the Judiciary Committee bill were passed on the floor of the House. The more significant ones would:

- Reduce the period of authorization from four to three years;
- Require states and localities to contribute a 10 percent match for formula and discretionary grants programs, rather than allowing 100 percent federal funding;
- Eliminate the umbrella agency, Office of Justice Assistance Research and Statistics, that would have coordinated the operations of the National Institute of Justice, the Bureau of Justice Statistics and LEAA;
- Authorize \$25 million annually for community anti-crime programs, rather than mandating that 10 percent of the total LEAA appropriation be spent on such programs.

DEFEATED BY the House were amendments that would have eliminated entitlement jurisdictions, eliminated the national priority grant program, and raised the ceiling on the amount of federal funds that could be used for planning from 7.5 percent to 20 percent.

Whether counties of 100,000 population will be eligible for direct entitlements is one major issue that will have to be worked out in conference.

See LEAA, page 2



Labor Secretary Marshall tours CETA programs in Louisville.

NACETA Hears Marshall Praise County Programs

Labor Secretary F. Ray Marshall gave credit to county governments across America for reducing unemployment to new low levels, improving the work skills of the disadvantaged and ensuring a new high employment rate, at NACo's Eighth National Employment Policy Conference in Louisville, Ky. last week.

More than 1,400 elected county officials and employment and training specialists participated in workshops, seminars and specialized programs at the four-day conference.

Co-sponsored by the National Association of County Employment and Training Administrators

(NACETA), a NACo affiliate, the conference provided county officials and employment specialists with an opportunity to improve the management of their local CETA (Comprehensive Employment and Training Act) programs through special seminars designed to streamline paperwork, reduce costs and involve the private business sector in job development.

The theme for this year's conference was "CETA Works," and Labor Secretary Marshall told attendees that in 1977 more than 12 million Americans were out of work—but

See MARSHALL, page 8

Contract Authority Lets Highway Funds Continue

Despite the long congressional delay in approving H.R. 4440, the fiscal '80 appropriations bill for the Department of Transportation, most highway funding will continue. The states can use contract authority to continue to pay for primary, secondary, urban bridge replacement and rehabilitation, hazard elimination and pavement marking programs. Because of this situation most states will be able to carry on these programs for a short period of time until new fiscal '80 money is approved. Congress did approve what is known as a continuing resolution,

which essentially allows states to spend highway funds in fiscal '80, which started Oct. 1, 1979 at the same rate as fiscal '79.

On the budget front, Congress has not yet approved the Second Congressional Budget Resolution, which sets the '80 budget ceiling. The House and Senate spending targets for highways are very close, the Senate at \$9.1 billion, the House at \$9.2 billion. Since Congress will have to trim all spending categories sometime later this year, highways and mass transit programs are expected to be cut by \$200 or \$300 million.

WINDFALL PROFITS ALTERED

Transit Funds Jeopardized

Instead of shoring up an important part of the President's proposed energy package, the Senate Finance Committee has given away about half of the tax revenues the Administration expected could be generated from a tax on the oil companies' "windfall profits," caused by the decontrol of crude oil prices. The committee, led by Sen. Russell B. Long (D-La.) has tentatively agreed to give away more in energy tax credits than the President and House have agreed to collect in revenues.

One of the major losers in the scramble to secure a windfall profits tax would be public transportation. The President's plans to aid trans-

portation are directly tied to passage of a windfall tax and include \$16.5 billion over 10 years. The bulk of the proposal, or \$13 billion over 10 years, would go to public transportation, with the remainder earmarked for highway and automobile energy-related improvements.

In anticipation of the windfall tax, Rep. Jim Howard (D-N.J.) has introduced H.R. 5375 which would establish a trust fund for public mass transportation projects and provide for other transportation system management efforts.

Since the Finance Committee has significantly reduced the windfall profits tax measure, funds for transportation are in jeopardy. When the Senate Finance Committee finally reports out a windfall tax bill, efforts to increase revenue levels in the bill are likely to be mounted on the

Senate floor and in the conference session with the House.

According to current Senate Finance Committee figures, transportation would get about \$3.5 billion over 10 years. Howard's proposal would earmark 25 percent of the windfall profits tax for transportation, or approximately \$8.7 billion over 10 years.

The Senate Finance's still incomplete action would place an effective tax rate of only 29 percent on oil company revenues collected because of oil decontrol. Conversely, the already passed House version would tax the oil companies at 40 percent of their windfall profits.

NACo is supporting the President's windfall tax proposal as outlined by the President at NACo's annual conference in July.



ATTENTION Community Development Directors ... Elected Officials

Mark your calendars and plan to attend the National Association of County Community Development Directors' Fourth Annual Conference Nov. 13-16, at the Olympic Hotel, King County (Seattle), Wash.

The conference will take place at the stately Olympic Hotel in downtown Seattle, conveniently located near shops, restaurants, historic Pioneer Square, and the Kingdome, the West's only covered multi-purpose stadium.

The three-day meeting offers news about legislation ... affordable housing ... intergovernmental relations ... housing financing ... special workshops for elected officials ... tours of King County's projects. You can't afford to miss out!

CONFERENCE REGISTRATION NACo County CD Conference - Nov. 13-16, 1979

Name _____ Title _____ County _____
Address _____ City _____ State _____ Zip _____

Fee covers one reception, three lunches, Danish breakfasts each morning, conference materials and a tour of King County. Enclosed is a check for: \$95 NACo member counties \$110 nonmember counties. Make check payable to NACo and send to: Accounting Department, NACo, 1735 New York Avenue N.W., Washington, D.C. 20006. Cancellations received by Nov. 2 will be fully refunded.

HOTEL RESERVATION FORM

Western International Hotels, The Olympic, Seattle
I am attending the NACo Community Development Conference November 13-16, 1979

	STD	MED	DEL
Please reserve the following:			
Single: 1 person	\$39	\$47	\$59
Double/twins: 2 persons	\$44	\$57	\$69

Plus 5.3 percent State Sales Tax

Note: If rate requested is not available next available rate will be assigned
Arrival Date _____ Hour _____ a.m. p.m. Departure Date _____
Name _____ Address _____

City _____ State _____ Zip _____

All reservations are held until 6 p.m. I am arriving after 6 p.m. Please hold my room on guaranteed payment basis.

My Credit Card Number is: Name _____ No. _____

Return to: The Olympic Hotel, Fourth and Seneca Street, Seattle, Washington 98101.
Note: Hustle Bus departs every 20 minutes from the Seattle-Tacoma Airport to Olympic Hotel - 20 minutes ride - Fare \$3.00

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County Plans Considered under Mental Health Bill

At press time, Sen. Edward Kennedy's health and scientific research subcommittee was expected to begin marking up the Administration's Community Mental Health Systems Act, S. 1177. The bill is aimed at expanding community programs funded by the National Institutes of Mental Health (NIMH) and promoting flexibility to meet local needs.

While the bill provides that all new NIMH funds for community mental health needs flow through the state mental health agency, other provisions help ensure that the decisions at the state level conform with local plans. S. 1177 was redrafted prior to markup to respond to the concerns of NACo and other mental health interest groups that the bill did not go far enough in safeguarding local planning and coordination activities.

Because S. 1177 requires coordination with the health planning sys-

tem, counties will have the opportunity for a greater voice in local mental health planning through participation in local HSAs.

Originally, S. 1177 proposed that federal funds flow through the state mental health agency on a destination basis only, with other funding requests going directly to the federal government.

The draft bill also includes a percent limit on the amount of federal mental health funds which states spend on the administration of a program.

On the House side, preliminary hearings were held earlier this year in the health and environment committee of the Committee on Interstate and Foreign Commerce. The corresponding bill in the House is identical to the original S. 1177, H.R. 4156. For additional information, contact Janet Smith at NACo.

Cost Containment Pushed

Continued from page 1
the heels of a vote in the House.

Meanwhile the Senate Finance Committee, led by Sen. Russell B. Long (D-La.), is scheduled to resume markup of proposals for national health insurance. The Administration's proposal is estimated to cost some \$18 billion in federal costs, with Sen. Edward Kennedy's proposal projected to add some \$24 billion in federal costs. Sen. Long reportedly favors limiting spending to no more than \$6-\$8 billion in federal money.

The Administration is hopeful that a Senate Finance bill may ultimately contain enough provisions from its

proposal to warrant presidential support. Such an agreement between Long and Carter could potentially result in passage of a national health insurance bill next year.

Next week, NACo's Health Education Steering Committee, its subcommittee on national health insurance will be looking at proposals in light of congressional activity.

For further information, contact Janet Smith at NACo.

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LEAA Is Going to Conference

Continued from page 1
ference. The Senate-passed bill offers entitlements to cities of 100,000 but requires counties to have a population of at least 250,000. In a victory for NACo, the House bill was amended to allow counties and combinations of local governments with a population of at least 100,000 to be eligible for direct entitlements.

Although both the Senate and House have authorized up to \$825 million for the new program, only \$486 million has been appropriated for fiscal '80.

Francois Airs Environmental Concerns to EPA

NACo President Frank Francois told the head of the Environmental Protection Agency (EPA), Douglas Costle, that local governments are willing to do their share to achieve public health and environment objectives, but they have been constrained in the past by various financial and institutional barriers.

Francois, along with Harvey Ruvin and Bay Haas, new co-chairmen of NACo's Environment and Energy Steering Committee, heard Costle express willingness on the part of EPA to examine ways to overcome these obstacles.

• Fund projects ready to go to construction rather than reserving large blocks of money for projects just entering the planning stage.

SOLID WASTE AND RESOURCE RECOVERY

Francois told Costle that even though counties and other local governments are the ones responsible for waste disposal, the solid waste planning program was concentrated at the state level. "We need to channel money to the people really doing the work," Francois said.

Costle said that Congress and EPA were aware of local problems but that the priorities, such as the current project of completing open dump inventories, were activities for which the states have chief responsibility.

Costle expressed his agency's sympathy for NACo's support of a supplemental 1980 appropriation for the successful resource recovery grants to local governments, but felt the Office of Management and Budget (OMB) might not accept it. OMB must approve budget requests to Congress from all federal agencies.

On the hazardous waste problem Costle warned, "We're going to find a real public health crisis in the country..." Not only are there thousands of private disposal sites containing dangerous chemicals, but many older county landfills may contain hazardous waste that could contaminate water and soil. NACo advised EPA that the current federal programs do not build capacity at the local level needed to deal with this enormous problem.

CLEAN AIR

Francois warned Costle that local governments also needed to develop their own capabilities to approach air quality in a comprehensive manner. Currently, state and local air pollution control districts receive enforcement funding; some urban councils of government and metropolitan planning organizations have received funding to plan transportation control measures for achieving air standards; seven cities and one county have received demonstration

grants to help reconcile economic development and air quality goals.

Francois recommended widening the relatively stable Section 105 enforcement program to include funding for other local air quality efforts. Costle agreed that EPA is and should be moving toward less categorical funding and that this approach would be consistent with the agency's trends.

MANAGEMENT

Current EPA policy requires a state/EPA agreement which identifies statewide priorities and resource allocation for each state. A bill under consideration by Congress, the Integrated Environmental Assistance Act, would go farther to give states flexibility in deciding how to use federal money. One problem with both is that consultation with local governments has been uneven.

Costle asked NACo to identify what measures would ensure meaningful local involvement so that consultation policies can be expanded.

—Arleen Shulman, NACo



MEETS WITH EPA ADMINISTRATOR—NACo's President, Frank Francois, right, is seen with Douglas Costle, administrator of the Environmental Protection Agency. Francois listed ways in which the federal government could assist counties in meeting public health and environmental objectives.

CONTINUING RES. APPROVED

Program Funding Extended

After several days of highly charged debate and "political ball-tossing," the House and Senate finally agreed Oct. 12 to a continuing resolution, H.J. Res. 412, permitting most federal departments and agencies to continue functioning at last year's spending levels through Nov. 20 or until their own appropriations bills clear Congress.

The House voted Oct. 10 to send the Senate version, passed a day earlier, and their own version of the resolution to conference. The House passed the conference version of H.J. Res. 412 Oct. 12 by a voice vote. The Senate at first refused to accept the compromise, rejecting the resolution by a vote of 62-26; however, they later voted to reconsider and the resolution passed on a second

vote by the slim margin of 44-42.

The resolution continues funding for the departments of Agriculture, Defense, Interior, Labor, Transportation and Health, Education and Welfare, as well as money for foreign aid, postal operations and the District of Columbia.

Passage of both the House and Senate versions of the resolution had been difficult to achieve, due to provisions in each concerning federal pay hikes and language over government-funded abortions. The compromise version of H.J. Res. 412, as passed, grants a 5.5 percent pay increase to members of Congress and executive-level employees currently earning more than \$47,500. Federal judges will receive a salary increase of 12.9 percent, which was

automatically granted Oct. 1, prior to passage of the continuing resolution. The Senate bowed to House insistence on stricter abortion language, providing government funding of abortions only when required to save the mother's life, or in cases of rape or incest.

As *County News* goes to press, the House and Senate remain deadlocked in conference over the second concurrent resolution on the budget for fiscal '80, S.Con. Res. 36. The conferees, who began meeting Oct. 9, have not yet reached agreement on spending levels for the various budget functions, or proposed increases in defense spending and energy initiatives, among other questions. The evening of Oct. 18 is the last night in which present conferees are authorized to continue discussions on the budget resolution.

WASTEWATER CONSTRUCTION GRANTS

Of top priority for the meeting was the slow obligation rate of the billions of dollars available to local governments to build sewage treatment plants. Costle said that one reason for the slow rate of spending is that sewage projects need extensive planning and many of these projects are not now going into the construction phase.

The Clean Water Act was amended in 1977 and EPA had to revise its regulations governing the construction grants program. Francois commended EPA for its responsiveness and relative speed in issuing these regulations, but cautioned Costle about the difficulty of obtaining adequate yearly appropriations from Congress when almost \$7 billion remains unspent each year.

We know that one of the ways to sewage treatment plants built is having enough money in the bank these days," giving local governments assurance that construction money will be available once planning is completed, said Costle.

Costle also reported that the obligation rate has shown a steady increase from its standstill of late 1977. Francois noted steps EPA and states could take to speed the process:

- Limit the number of reviews of all plans to either state or regional level; not both;
- Not apply new regulations retroactively to projects currently being funded;

Refugee Program Gets Limited Reprieve

Although Congress agreed to a continuing resolution on Oct. 12 to limit temporary funding of programs affected by the pending HEW appropriations bill, the Indochinese Refugee Assistance Program (IRAP) is far from resolved.

Under the continuing resolution, federal reimbursement for Indochinese refugee welfare and medical costs will be paid until

Nov. 20. Unless authorizing legislation has been enacted by then, the program will again lapse, forcing states and counties to pick up funding and to deny assistance to those refugees not eligible for federal or state welfare programs.

Meanwhile, the status of legislation needed to continue refugee programs remains bogged down in a House dispute over jurisdiction. The Senate

passed a bill in September which cleared the House Judiciary Committee. But the House Foreign Affairs Committee is seeking to rule on the bill as well before it can go to the House. H.R. 2816, The Refugee Act of 1979, is the Administration's omnibus refugee policy bill revising the nation's immigration quota, adjusting refugee "parole" status, and making other changes in national

policy not directly related to IRAP. It provides one more year of 100 percent federal funding for IRAP.

A new bill, S. 1866, was introduced by California Sens. Alan Cranston (D) and S.I. Hayakawa (R) on Oct. 9. It would remove IRAP funding from the refugee bill controversy by simply continuing for two more years the Indochina Migration and Refugee Act of 1975 which expired Sept. 30.

NACo is working to secure 100 percent federal reimbursement for at least two years. A survey of the states most affected by the influx of refugees indicates that the refugee population has a much higher need for welfare and Medicaid assistance than the general population. (See chart).

Frank Jungas, chairman of the Welfare and Social Services Steering Committee, has communicated with members of Congress and the relevant committees urging their support for at least two years federal funding.

The flow of 14,000 refugees monthly into the country has been halted as of Oct. 14, pending passage of the needed legislation, according to the Office of Refugee Coordinator Dick Clark. Although any new refugees admitted would be covered for two years under the Administration-supported bill, Clark wants to terminate federal assistance to refugees who have been in the country 24 months.

Senate Moves on Energy Aid

The Senate has moved independently of the Administration to help the poor pay the rapidly rising costs of home heating fuel. By a voice vote Oct. 7, the Senate approved \$1.2 billion for the program, and as *County News* went to press, was expected to give final approval to the bill after House-Senate conferees made room for it in the final budget resolution.

The major elements of the Crude Oil Tax bill, H.R. 3919, are cash payments to welfare recipients, and assistance to lower middle-income households to help meet higher energy costs through fiscal '82.

The Carter Administration failed in a major effort to block approval of the bill because it is not connected to the President's proposed windfall profits tax on oil. The Administration would like to see the tax pay for a low-income energy assistance program and it is their strategy to connect home heating aid to the poor to windfall profits to step up passage of the tax.

The Senate provision will receive its money from an energy trust fund that is to be created, but windfall tax revenue is expected to be the ultimate source supplying that fund.

—Gary D. Rodwell

Indochinese Receiving Public Assistance in 11 States

	Number of refugees in state as of 8/15/79 (HEW official count)	Number of persons on cash assistance and Medicaid in 8/79 ⁽¹⁾	Percent of refugees receiving assistance	HEW number of refugees on welfare 5/1/79 ⁽²⁾
California	70,960 (100,000*)	42,000 (8/30)	42	39,980
Texas	21,326	5,304 (8/30)	25	3,788
Pennsylvania	9,805	1,678 (8/30)	17	1,758
Mississippi	8,377	1,647**	20	1,593
Washington	8,373	4,175 (8/1)	50	3,204
Illinois	7,590 (6/30)***			
	(7,315)	3,509 (6/30)	48	2,074
Virginia	7,321	2,429 (7/31)	33	1,871
New York	6,228	1,194 (8/1)	18.5	888
Oregon	5,749	3,104 (8/30)	54.6	2,562
Minnesota	5,657	4,500 (8/18)	80	2,310
Florida	5,650	1,340 (8/30)	24	1,355

Figures supplied by state's representative to Coalition for Effective Resettlement of Refugees. Food stamps, foster care, SSI recipients not included.

*100,000 is estimated minimum refugees in California per HEW and Calif.

Figures supplied by HEW to House Judiciary Committee for markup.

Persons count not available—case count 549 (excluding medical assistance) multiplied by 3 to estimate minimum persons.

August aid figures not available, so June 30 count used for consistency.

⁽¹⁾Per the official population count, based on initial resettlement into the U.S.; 69 percent of the 227,000 refugees admitted as of 8/79 live in the eleven states above.

MESSAGE FROM NACo PRESIDENT

Counties in Forefront of Energy War

In his address to us at our annual conference in Kansas City, President Carter called for our help to implement a comprehensive energy program for the country. We did not hesitate in answering his call, and the next day we adopted a resolution supporting the President's energy goals. A key element of any successful program is energy conservation, and in Kansas City I pledged that NACo would especially continue to work in this area.

On this page of *County News*, you will find an announcement concerning a series of energy conservation workshops which NACo through its research foundation is sponsoring during the coming months. These workshops will not waste time discussing whether or not energy conservation is necessary, for nothing could be clearer. Rather, the workshops are designed to give concrete examples of workable conservation programs, and will discuss "nuts and bolts" approaches to energy conservation on the county level.

Conducting these workshops will be a distinguished faculty of energy conservation practitioners. The knowledge these people can impart

comes not from abstract discussion or research, but from their experience in the day-to-day operation of successful energy conservation programs in counties. For the county official interested in acting now on energy conservation, these workshops are indispensable.

There is much that NACo can do at the national level with the Administration and Congress to enact an energy program, and we are working by ourselves and with other public interest groups to get necessary legislation enacted. We are also helping county governments exchange ideas and develop management plans. These efforts at the national level are important and will continue.

However, the major gains and victories in the energy war will not happen in Washington. Rather, the energy war will be won, or lost, at the local level. As the political leaders of 98 percent of American people, we have the ability and the responsibility to galvanize public awareness and generate active participation in saving energy. If we do not, no one else will.

—Frank Francois

**Energy Conservation...
It pays to save**



Two things are certain this winter: fuel costs will continue to rise, and fuel and gasoline availability will remain in flux. It is imperative, therefore, that counties take steps now to conserve energy both in their internal operations and in the community at large.

To help counties meet the challenge of energy conservation, the National Association of Counties, Inc. is sponsoring three workshops geared toward energy coordinators, county administrators and elected officials.

County energy experts will lead workshops on: Organizing your Energy Office; Organizing your Community to Conserve Energy; Energy Management in County Buildings and Facilities; Energy Programs for the Community and Contingency Planning for Fuel Emergencies.

Workshops will be held:

November 13-15
Atlanta, Georgia

December 3-5
Columbus, Ohio

December 17-19
Denver, Colorado

Special conference room rates will be available to all workshop attendees whose reservations are postmarked to the NACoR Energy Workshop Registration Center no later than three weeks before the workshop you wish to attend. Thereafter, rooms will be available on a first come, first served basis.

No housing reservations will be accepted over the telephone at any time by the Conference Registration Center. You must register for the meeting through the Conference Registration Center in order to receive housing at the special rate.

REGISTRATION FORM
REGISTRATION FEE PER SESSION \$45

Name _____
Title _____
County _____
Address _____
Telephone (Area Code) _____

HOUSING FORM
Name _____
Co-occupant _____
Special Hotel Requests _____
Credit Card Name _____
Credit Card No. _____ Expiration Date _____
Arrival Date/Time _____ Authorized user's signature _____
Departure Date/Time _____
 Check here if you have a housing-related disability

Atlanta, Georgia
November 13-15
Ladha Continental
Single \$34, Double/Twin \$41

Columbus, Ohio
December 3-5
Hilton East
Single \$34, Double/Twin \$40

Denver, Colorado
December 17-19
Sheraton Denver Tech Center
Single \$42, Double/Twin \$48

Rooms must be guaranteed for arrival by county voucher, credit card, or by sending one night's deposit to the address below.

Return housing and registration forms to: NACoR Energy Workshop Registration Center, 1735 New York Avenue, Washington, D.C. 20006.

For housing information call 703/471-6180. For information on the program call NACoR County Energy Management Project, 202/785-9577.

Agland Retention Bill to Full Panel Review

When members of the House Agriculture Committee take up the proposed Agricultural Land Protection Act, H.R. 2551, scheduled for Oct. 24, Chairman Thomas Foley (D-Wash.) is expected to offer a substitute Title I which would require federal agencies to notify states and counties of proposed actions that could affect agricultural lands and local protection programs.

Under the bill reported by the House Agriculture subcommittee on the family farm, rural development and special studies, Title I would simply require federal actions to be conducted in a "manner consistent with state and local agricultural programs."

According to the Soil Conservation Service, nearly 3 million acres of farmland annually is converted for non-farm use, resulting in constricted food supplies and higher food prices.

The House bill and its counterpart in the Senate, S. 795, sponsored by Sens. Warren Magnuson (D-Wash.), John Melcher (D-Mont.), John Heinz (R-Pa.) and Patrick Leahy (D-Vt.), is an attempt to make the federal government more sensitive to this problem when considering future action and its effect on farmland.

As introduced by Reps. James Jeffords (R-Vt.) and Richard Nolan (D-Minn.) the bill would also:

- Authorize the Agriculture Department to provide technical assistance and demonstration grants

local, county and state governments to carry out land protection programs. (H.R. 2551 authorizes 50 percent matching grants at \$15 million the first year, \$25 million the second year, and \$20 million the third year; S. 795 authorizes 25 percent matching grants at \$9 million the first year, \$25 million the second, and \$15 million the third.);

- Establish a Farmland Retention Study conducted by the Department of Agriculture, in cooperation with local, state and private interests to study the impact of federal actions and regulations on farmland, the relationship of farmland loss to the economy and world food needs, and local and state experience under demonstration grant programs;

- Provide an absolute limitation on the role of the federal government by prohibiting it from violating private property rights, or in any way affecting local and state authority.

The Senate bill, S. 795, is pending before the Senate Agriculture subcommittee No. 1. Consideration could occur as early as the end of the month. County officials should urge their congressmen to support H.R. 2551 and S. 795 in full committee and subcommittee, respectively, when they reach the floor of the Houses.

Senate Agriculture, Nutrition, and Forestry Committee

Democrats

- Herman E. Talmadge, Ga., Chairman
- George McGovern, S.D.
- Walter D. Huddleston, Ky.
- Richard Stone, Fla.
- Patrick J. Leahy, Vt.
- Edward Zorinsky, Neb.
- John Melcher, Mont.
- Donald W. Stewart, Ala.
- David Pryor, Ark.
- David L. Boren, Okla.

Republicans

- Jesse Helms, N.C.
- Milton R. Young, N.D.
- Robert Dole, Kan.
- S.I. Hayakawa, Calif.
- Richard Lugar, Ind.
- Thad Cochran, Miss.
- Rudy Boschwitz, Minn.
- Roger Jepsen, Iowa

New Coalition Sees Threat in Energy Board Authority

Continued from page 1

the floor. An energy mobilization board bill has already passed the Senate.

WHILE THE POLICY statement adopted by the Energy Task Force, and approved by the New Coalition, supports the establishment of an energy mobilization board, it notes that state and local governments have not been the source of delay in the siting of major energy projects.

The consensus position adopted calls for state and local governments to work in close cooperation and consultation with an energy board to develop concurrent reviews, joint hearings and consolidated data collection efforts. However, state and local governments would retain authority over the final determination of project decision deadlines, and over siting and permitting decisions without fear of preemption.

Reps. Dingell and Brown expressed an interest in reaching a compromise which could be supported by the New Coalition; however, their commitment to the waiver provision remained unchanged.

Later that day, the Energy Task Force met with Reps. Morris Udall (D-Ariz.), Tim Wirth (D-Colo.), and Richard Cheney (R-Wy.). Udall, who is chairman of the Interior and Insular Affairs Committee which has reported another version of the energy mobilization board, stated that his committee had acted quickly

and that some modification of proposal was necessary. He joined with Reps. Wirth and Cheney to develop a compromise which would assure that decisions of the board would be made quickly but still protecting state and local prerogatives.

As described by Rep. Udall, general preemption of state and government would occur only if the affected government had given ample opportunity to act. Specifically, the compromise posed would allow the board to pose an action in federal court to force state or local government to make a decision required by an agreed project decision schedule. In event that the state or local government failed to abide by the decision the board would have authority to make the decision the delinquent agency.

Asked if the New Coalition support such an approach, task members pointed out to Udall they did not have the authority to change an adopted New Coalition position without further consultation. However, the members felt that the compromise "heading in the right direction" urged the congressmen to continue their efforts at working at a compromise.

Rules Committee action on the energy board proposals is tentatively scheduled for this week. A hoped-for compromise and floor action come as early as next week.

Criminal Justice Report

Consolidated Efforts Improve Police Services

costs of and demand for better law enforcement services are increasing as government services are increasing as available tax dollars to pay for them decrease. Local jurisdictions are trying to deal with the problem by consolidating all or some of their functions, and during the 1970s at least 15 million national commissions have discussed this in their reports.

In 1971 the Advisory Commission on Governmental Relations in *State-Local Relations in the Criminal Justice System* said, "Local departments, particularly those of the larger cities, which do not have adequate police and preliminary investigative services may require the aid of larger agencies in some facets of their police work."

The National Advisory Commission on Law Enforcement Standards and Goals, in 1973, proposed the following standard for combined services: "... If the most effective and efficient police service can be provided through an agreement or joint participation with other law enforcement agencies, the participating agency or the police agency should enter into the appropriate agreement or joint operation. At a minimum, agencies that employ fewer than 10 sworn officers should consolidate for improved efficiency and effectiveness."

Recommendations by national advisory commissions can be helpful, but the real question is whether consolidation of police services works at the local level. Does it achieve a more efficient and effective, police services? A recent study published by the Law Enforcement Assistance Administration (LEAA)

tries to answer these and other questions about combining law enforcement services. The report, *Small Police Agency Consolidation: Suggested Approaches*, is based on a review of available research on police consolidation and a survey of agencies that had merged at least some of their law enforcement services. It was written by Terry Koepsel and Charles Girard of the International Training, Research and Evaluation Council (ITREC).

Pros and Cons

One section presents arguments for and against consolidation, centering around the aspects of costs and efficient, effective services.

NACo supports the coordination of and contracting for police services as part of its law enforcement and crime prevention policy:

"Coordination of Police Services—Local governments should utilize countywide and regional police services and specialized supportive services such as communications, records, crime laboratories and training.

"Municipal Contracts for Police—States should authorize and provide financial incentives to municipal governments to contract for county police services affording them a higher level of service to meet their individual needs."

The authors found that there was not enough evidence available to conclusively determine the impact of consolidation in these areas, even though nearly 500 communities now operate merged police agencies.

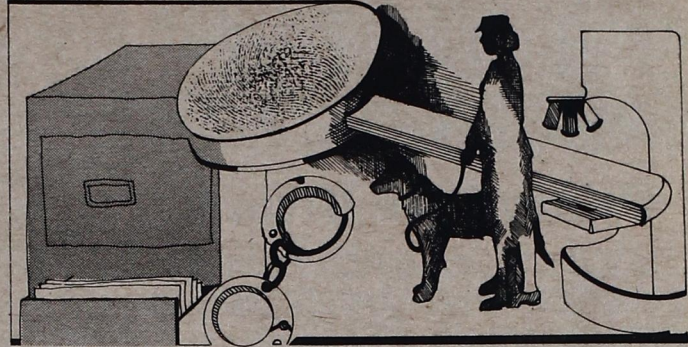
They did note, however, that combined agencies tend to have lower per unit costs. At the same time, overall services often are more expensive, because usually a greater number are provided and they are of better quality than those provided before merging.

Persons involved in combined units were asked about successes under the new system. Benefits most mentioned were reduction in jurisdictional overlapping, disputes, jealousies and competition; a broader range and higher level of service than the small independent agencies could have afforded; and higher quality personnel resulting from better training, supervision, organization and working conditions.

Dissatisfaction with mergers centered around loss of localized law enforcement services and lack of control recipient jurisdictions have over the level and quality of services. The report found, however, that the use of contracts which spell out expectations in detail can solve the first problem. Permanent advisory boards that review services and resolve complaints and disagreements can assure that each community's interests are taken into consideration.

Recommendations

The report also presents a guide for police agencies considering consolidation or merger.



Issues examined in some depth include:

- **Factors that lead communities to consider consolidation.** Startling jumps in crime in smaller communities, demands for more and better law enforcement, and serious crises, coupled with limited financial capabilities, are the main reasons these communities look to merger as a possible solution, according to Koepsel, who directed the study.
- **Planning that should precede a merger.** The report strongly recommends that feasibility studies be done before deciding to merge police

New Jersey's Department of Community Affairs is authorized to support the coordination and combination of services among local jurisdictions, under the state's Interlocal Service Aid Act. Although funds are available to pay for feasibility studies and implementation costs, no jurisdictions have taken advantage of the act's provision to consolidate police services.

services. It suggests that the following elements be included in the study: demographic profiles of participating jurisdictions, profiles of reported criminal activity, organization and operations of existing law enforcement agencies, police manpower profiles, management and administrative profiles, equipment and facilities inventory, and actual and projected operating costs of present agencies.

• **Factors important to successful mergers.** These include the availability of adequate funding to support the desired level of services and an equitable formula for sharing costs among jurisdictions; contracts that spell out exactly what services will be provided and how much they will cost; and a review board, composed of representatives from each participating jurisdiction, to make policy and oversee the activities of the agency providing law enforcement services.

Alternative structures for combined police services are also described. The most common

is one in which small communities within a county contract with the sheriff to provide policing services. Another type involves mergers among local governments. This is accomplished in one of two ways: either one jurisdiction assumes sole responsibility for providing police services or the participating jurisdictions jointly provide the services. One other method involves the establishment of special police districts (single purpose units of local government set up to provide only law enforcement services to two or more local jurisdictions).

The report, based on a study funded by the Law Enforcement Assistance Administration, was published in July 1979. Copies are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The stock number is 027-000-00761-9. The price is \$3.75 per copy.

Greenville Cautions Consolidation Pitfalls

Rising costs and duplication of effort led to the decision by Greenville County, S.C. to consolidate some of its police services. Record-keeping, training, crime analysis, communications, and a small forensic laboratory have been run by the Police Services Bureau since March 1976. The services are used mostly by the city and county of Greenville, although smaller jurisdictions in the county may make use of them.

The combination of services into a single bureau prevents most duplication of effort and permits the participating jurisdictions to conduct more thorough investigations, according to Joey Barkley, Greenville County criminal justice planner.

Consolidation has brought some problems, however. First of all, the county funds the entire Police Services Bureau, except for rent the city pays for administrative offices it uses. Greenville City pays no fee for the services.

Another area of concern is the communications division. The sheriff has no control over its operation, yet when complaints are not handled satisfactorily, citizens blame the sheriff or police department.

Barkley recommends that jurisdictions considering the merger of police services look carefully at costs and determine the amount each party is willing to pay. He also suggests that authority over personnel and access to services be clearly described in any formal agreement to consolidate.

Resource person: Joey Barkley, Criminal Justice Planner, Courthouse Annex, East North Street, Greenville, S.C. 29601, 803/298-8635.

This report is supported by Grant Number 79DF-AX-0118, awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication are those of the National Association of Counties Research, Inc., and do not necessarily represent the official position of the United States Department of Justice.

Herbert Jones, associate director for criminal justice and public safety
 Donald Murray, director, criminal justice program
 Janet Frohman, research associate
 Clarice Williams, secretary

Report on Contract Law Enforcement Available

National Sheriff's Association has issued a report on one prevalent form of training police services. *Contract Law Enforcement: A Practical Guide to Program Development* is a detailed "how to" manual for considering contracting for police services. It draws upon the experience of agencies who have been through the process of developing and implementing a contract system.

The manual concentrates on areas where the contract system does or may differ from traditional law enforcement. These are local law enforcement, developing information systems, demonstrating responsiveness to all agencies within the jurisdiction, as well as contracting services and developing means to share these costs equitably.

The manual, published in May 1978, was issued under a grant from the Law Enforcement Assistance Administration. Copies are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; Stock #027-000-

Greenville County Benefits from Coordination

Greenville County (N.Y.) Department of Central Police Services (CPS) has been in operation since 1972. The product of years of planning, coordination, communication, information, and forensic lab services to 26 law enforcement agencies in the county, including the sheriff's office, each jurisdiction carries out its own police and investigative functions.

The information systems division, which in the field have immediate access to information on outstanding warrants, stolen cars and identification of motorists and traffic violations. Complaint, and "911" emergency number are provided by the communications

jurisdictions as well as those in the county. The forensic laboratory provides analyses of physical evidence to investigators, prosecutors, and defense attorneys. Employees can also advise on the usefulness of evidence for prosecution and appear as expert witnesses in court.

County taxes and federal grants are the main sources of funding for CPS. It is under the authority of County Executive Edward J. Rutkowski and has a board of trustees that sets policy for the department.

"Protecting police officers and giving them as much support as we can," are the main goals of Central Police Services, Stanley Bolas, CPS commissioner, said in a recent interview. Of similar importance, he said, is the improved management and administration the supportive services allow.

Consolidation of these services has been a

great success, Bolas said. A significant characteristic, he believes, is that each community has the opportunity to use the higher level of services while police agencies still retain control in their own jurisdictions.

Specific benefits Bolas cited are: less overlap of services and activities; centralized record-keeping which allows officers to track down information in only one call, rather than contacting as many as 26 agencies; information system which gives police administrators more accurate and complete information on which to base decisions on managing the law enforcement function; and the forensic lab that provides Erie County's 26 agencies with the tools necessary for quality criminal investigations.

Resource person: Stanley M. Bolas, Commissioner, CPS, 110 Seneca St., Buffalo, N.Y. 15203, 716/846-6355.

officers and recruits receive basic and advanced training from the training division, and police agencies in neighboring

CASH AWARDS FOR IDEAS

Arson Team Course Funded

The Law Enforcement Assistance Administration (LEAA) will defray travel costs for local arson task forces that attend a national arson conference in New Orleans. The conference, sponsored by the U.S. Fire Administration, Jan. 21-23, will be entirely devoted to the prevention of arson. The grants are offered to encourage arson task forces in communities that currently do not have such an organization.

Awards will provide registration, meals and lodging expenses at the conference for four-person task forces.

This includes a chief administrative officer, fire chief, police chief and prosecuting attorney, or designated representatives, from communities of four population categories. Two awards will be made to jurisdictions of over 250,000, five each to population ranges of 50,000 to 250,000 and 25,000 to 50,000 and eight awards will be made to communities under 25,000.

Rules for applying for the awards include simply sending a letter that (1) requests travel subsidy, (2) states that no arson task force with the

above four agencies now exist in your jurisdiction, (3) gives the names, addresses, and telephone numbers of the four persons to receive funds, and (4) states the population of your jurisdiction. Send the letter to: Gordon Vickery, Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Attn: Arson Task Force Awards, Washington, D.C. 20472.

In addition to the travel grants, four \$1,000 cash awards will be made, from non-governmental conference funds, for the best new anti-arson ideas. "We're seeking new ideas leading to the development of innovative, effective programs—ones which can be implemented by interested communities throughout the nation," noted Vickery.

Awards will be given to the organization represented by the individuals submitting the winning idea. Entries should be original ideas not currently in use. They should be no more than two pages in length, he explained.

Entries for cash awards should be postmarked by Oct. 31, and sent to: Fifth National Fire Conference, U.S. Fire Administration, Federal Emergency Management Agency, Washington, D.C. 20472. Attn: Arson Competition.

Urban Park Grants

The White House has announced grants to 44 cities and counties totaling \$17.1 million for urban park and recreation system rehabilitation.

Counties receiving funds are: Dade, Fla.; Essex, N.J.; Cuyahoga, Ohio; and Memphis/Shelby, Tenn. together receiving a total of almost \$4 million in rehabilitation grants. Camden County, N.J. and Bernalillo County, N.M. also received a small amount of funding under the innovation grant program.

At least nine states will provide some part of the 30 percent match-

ing funds for local projects. By law, the federal government will raise the federal share by the amount the state contributes up to a maximum of 85 percent federal.

The Heritage Conservation and Recreation Service (HCRS), which administers the Urban Park and Recreation Recovery Program, will hold those applications received but not selected for the next funding cycle. In addition, the agency will announce another \$2 million in planning grants later this fall.

Appropriations for fiscal '80 will probably be \$125 million.

Matter and Measure



TWO SPECIAL MEETINGS FOR REGION 7

Attention: County Engineers in Iowa, Kansas, Missouri and Nebraska. You have received information in the mail on two important transportation meetings: the annual FHWA Region 7 meeting organized by Gene Hales, FHWA Region 7 county road advisor, and NACoR-NACE FHWA Region 7 bridge meeting.

Please plan to attend both meetings in Des Moines, Iowa, Nov. 5-6. Gene Hales' FHWA Region 7 meeting will begin at 9:30 a.m. on Monday, Nov. 5 at the Des Moines Hyatt House. The preceding evening, the Iowa Association of County Engineers will host a social event.

- Topics for discussion at the Region 7 meeting include:
- State practices on guardrail guidelines
 - Technology transfer and experimental work
 - Latest trends for moving traffic through construction and maintenance zones
 - State reports

The NACoR-NACE bridge meeting will begin at 3 p.m. on Monday, Nov. 5 at the Des Moines Hyatt House. Following the afternoon's program, a cash bar reception will be held at the Best Western Airport Inn. The NACoR-NACE bridge meeting will resume at 8:30 a.m. and run until 3:00 p.m. on Tuesday, Nov. 6 at the Best Western. This facility is right across the street from the Des Moines Hyatt House.

The NACoR-NACE bridge meeting features sessions on:

- Inventory and inspection
- Sufficiency ratings, project selection and off-system funding
- Regulations on consultant agreements
- Bridge design
- Historic preservation
- Railroad bridges

Both meetings are specifically designed for county engineers in Iowa, Kansas, Missouri and Nebraska. However, these are two separate meetings with separate registration fees. The registration fee for the annual FHWA Region 7 meeting is \$11, and you can pay on site at the time of the meeting at the Des Moines Hyatt House. An on-site registration fee of \$40 will be charged for the NACoR-NACE bridge meeting to cover meal functions and packet information. You can pay on site at the Best Western Airport Inn on Tuesday, Nov. 6.

To secure hotel accommodations at the Best Western for the NACoR-NACE bridge meeting, contact Charlene Tyler at 703/471-6180.

TRANSPORTATION BROKERAGE SEMINARS

An executive conference on transportation brokerage, sponsored by the Urban Mass Transportation Ad-

ministration (UMTA), will be held for public transportation managers, county, city and state transportation officers, and government leaders. The conference will be held at four regional locations over a three day period and will be presented by The University of Tennessee Transportation Center.

The locations of the four workshops are Gatlinburg, Tenn., Oct. 24-26, Bloomington (Minneapolis-St. Paul), Minn., Nov. 1-3, San Diego, Calif., Nov. 29-Dec. 1, and Fort Lauderdale, Fla. Dec. 13-15. All hotel reservations for each of these conferences will be made with and through the University of Tennessee Transportation Center. For further information, contact Transportation Center, The University of Tennessee 615/974-6255.

PENN DOT ESTABLISHED COMMITTEE AT REGION 3 BRIDGE MEETING

Seventy-five county elected officials and engineers met Oct. 3 and 4 with state transportation representatives and Federal Highway Administration region and division officials to learn about bridge inventory and inspection, sufficiency ratings and project selection. They will use this information as they participate in the \$4.2 billion federal highway bridge replacement and rehabilitation program over the next several years.

This second bridge meeting, held in Allegheny County (Pittsburgh) Pa. was for states in FHWA Region 3. It will be followed throughout the next several months by meetings in each of FHWA's other regions. (See box on this page.)

Harvey Haack, deputy secretary for planning for the state Department of Transportation (PennDOT) announced the establishment of an intergovernmental critical bridge committee during the meeting. According to Haack, the newly formed committee will consist of county, municipal and township officials who will work with state transportation and federal highway officials to develop policies and procedures to implement the federal highway bridge replacement and rehabilitation program.

Elvin Thomas, Dorchester County, Md. bridge engineer discussed inventory and inspection procedures used for his county bridges. Dorchester's inventory and inspection of bridges was completed last fall.

Robert L. Nickerson, bridge engineer, FHWA division office, Baltimore, Md. explained how bridge funds would be distributed to counties in Maryland. According to Nickerson the state's share is \$11.7 million for fiscal '79 with no restrictions against the use of these funds for inventory and inspection of county bridges throughout Maryland.

BRIDGE MEETINGS

Sign Up Now

Do you want your county to get its fair share of the \$4.2 billion available in the federal highway bridge replacement and rehabilitation program? Then make sure you attend one of the regional meetings on the bridge program sponsored by the National Association of Counties Research, Inc. (NACoR) and the National Association of County Engineers (NACE). Two meetings will take place this October and November. You must attend the meeting in the FHWA region that includes your state since each meeting is specifically designed for states in these regions.

To secure hotel accommodations, contact Charlene Tyler at 703/471-6180. An on-site registration fee of \$40 will be charged to cover meal functions and packet information. You may pay in cash or by check made payable to NACoR.

FHWA REGION 7

(Iowa, Kansas, Missouri, Nebraska)

Des Moines, Iowa
Best Western Airport Inn

Nov. 5: program starts at 3 p.m.
Nov. 6: 8:30 a.m.-3 p.m.

FHWA REGION 1

(New York, New Jersey)

Albany, New York
Turf Inn

Nov. 15: get acquainted buffet luncheon begins at 11:30 a.m.
Nov. 16: 8:30 a.m.-noon

During 1980, the following NACoR-NACE regional bridge meetings will be held:

FHWA Region	Site	Dates
8 (Colorado, Montana, North Dakota, South-Dakota, Utah, Wyoming)	The Cosmopolitan Denver, Colo.	Jan. 10-11
9 (Arizona, California, Hawaii, Nevada)	Burlingame Hyatt San Francisco, Calif.	Jan. 24-25
4 (Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, Tennessee)	LADHA Continental Atlanta, Ga.	Jan. 31- Feb. 1
6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)	Hyatt Regency Dallas, Texas	Feb. 14-15

Registration and housing information will appear soon in County News.

Liability of Officials, Immunity Examined

As a result of legal developments in the last two decades, public officials and employees find themselves exposed to a significant risk of personal liability for injuries found to have been caused by their official acts. The governments which employ them are similarly exposed.

The problem is made more acute by the high cost or unavailability of liability insurance. The common law immunities which protect official defendants in state court actions have been applied, with some variations, by the federal courts in civil rights suits seeking monetary relief.

An attempt to collect more information in the area of civil and sovereign rights has been made by the National Association of Attorneys General in two recently published reports: *Official Liability: Immunity Under Section 1983* (130 pp., July 1979), and *Sovereign Immunity: The Tort Liability of Government and Its Officials* (102 pp., September 1979).

Official Liability: Immunity Under Section 1983 is an examination of the immunities which protect state and local officials and governmental bodies when sued for money damages under the Civil Rights Act. Subjects covered are legislative, judicial, prosecutorial, and executive immunity; the 11th Amendment; and municipal liability.

The most extensive treatment is given to the qualified good faith

immunity generally accorded executive branch officers and employees in Section 1983 suits. Cases discussed have been selected to reflect the range of governmental activities, types of officials, kinds of constitutional claims involved in such suits.

The companion volume, *Sovereign Immunity: The Tort Liability of Government and Its Officials*,veys the extent to which state local governments have consented liability for injuries resulting governmental activities. The trines of sovereign and municipal immunity, their abrogation by courts, and the principal kinds of governmental liability statutes discussed.

The courts' interpretations of immunity provisions in federal state tort claims acts are examined including representative recent evaluating assertions of immunity by school districts, hospitals and law enforcement agencies related common law immunities officials from personal liability for their official acts and state provisions for their defense and demeritification in damage suits also treated.

The reports are available from Committee on the Office of Attorney General, National Association of Attorneys General, 3901 Bess Drive, Raleigh, N.C. 27609, and priced at \$5 for each volume.

MENTAL HEALTH, HANDICAPPED

NACoR Given Two Grants

Two grants from the Department of Health, Education and Welfare have been awarded to the National Association of Counties Research, in the fields of health and human services.

The Office of Developmental Disabilities/Office of Human Development Services has awarded NACoR \$10,822 to continue and expand the current project on deinstitutionalization. HEW's Office of Civil Rights awarded a contract of \$185,728 to provide training and technical assistance to counties on complying with HEW's Section 504 regulations which guarantee equal opportunities for handicapped citizens.

DEINSTITUTIONALIZATION

In twenty years ago three-fourths of people receiving mental health services were in institutions; now three-fourths are receiving services as outpatients in the community. Trends in commitment, commitment procedures, court decisions place increasing demands on county human services.

The NACoR project will: Identify the impact of deinstitutionalization on counties;

- Analyze county problems in providing effective and coordinated services to those returning to the community;
- Identify model county programs;
- Provide technical assistance on deinstitutionalization to counties upon request;
- Inform HEW of problems arising from existing federal laws and regulations.

During its first year, the project has gathered information on the effect of deinstitutionalization on counties and has developed technical resources. While these activities will go on, the expanded funding will permit greater emphasis on technical assistance. Resources will now be aimed at service coordination, funding mechanisms and organization of services in the most efficient way.

The NACo Mental Health/Mental Retardation Task Force will continue as the Advisory Committee to the project. Co-chaired by Lynn Cutler, supervisor, Black Hawk County, Iowa, and Frank Raflo, supervisor, Loudoun County, Va., the task force is drawn from the Health and Education and the Welfare and Social

Services Steering Committees, reflecting deinstitutionalization concerns common to both areas.

SECTION "504"

The regulations issued by the Department of Health, Education and Welfare in 1977 in compliance with Section 504 of the 1973 Rehabilitation Act, affect counties since virtually all county education and human services programs receive HEW funds. NACo has consistently sought to assist counties in complying with these regulations.

NACoR 504 project staff will provide over the coming year:

- Five regional training workshops for elected and appointed county officials;
- Technical assistance to counties attending workshops and to others on request;
- Information on compliance.

While the project will focus on the HEW's Section 504 requirements, other agency regulations (e.g., the controversial Department of Transportation 504 regulations) will also be addressed.

NACo views this project as part of its long-standing efforts on behalf of handicapped people. NACo has consistently advocated for disabled people's rights in policy positions and lobbying activities.

NACo's current involvement in the American Public Transit Association suit against DOT 504 regulations stems from concern that they would have the effect of inhibiting local governments in meeting disabled people's transportation needs.

ADDITIONAL INFORMATION

NACoR staff is seeking information on county concerns with deinstitutionalization and with the Section 504 regulations. To submit comments or to request additional information, please contact Ron Gibbs, associate director, or Tecla Bacon, health project staff.



Sharon LaFleur, director of the East Baton Rouge Council on Aging, and Mayor Woody Dumas discuss plans for hosting the meeting of the National Association of County Aging Programs (NACAP) in East Baton Rouge, La., Nov. 1 and 2.

NEW NACo AFFILIATE

Aging Group Sets Meeting

NACo's newest affiliate, the National Association of County Aging Programs (NACAP), will meet Nov. 1-2 in East Baton Rouge, La. at the invitation of NACo past president, W.W. "Woody" Dumas, mayor-president of East Baton Rouge Parish.

Plans have been structured to provide as much flexibility as possible in travel options for attendees according to Sharon La Fleur, local coordinator and director of the parish's council on aging.

The meeting will open with a "Fais-Do-Do," an evening of festivity and local color provided by the hosts Wednesday, Oct. 31. The following morning, NACAP's three committees (Information, County Issues and Resolutions) will meet. New members are urged to consider participation on these committees.

The Board of Directors will meet on Thursday afternoon and on Friday morning. Both sessions will be open to all members. Friday morning's meeting will be followed by an oppor-

tunity to meet with the staff of the East Baton Rouge Council on Aging over lunch, and small working sessions in the afternoon.

For those staying until Saturday, Nov. 3, there will be trips to two historic plantations, ending in the mid-afternoon. (For those with the rest of the weekend to spend in the area, it should be noted that New Orleans is only 80 miles away.)

All members of the affiliate are encouraged to attend—for as much time as can be managed. Local accommodations are available for three nights: Oct. 31-Nov. 2.

While there is no registration fee for the meeting, it is necessary to have an accurate count of those planning to participate.

Those interested in attending or in receiving further information should contact NACo's Aging Project at 202/785-9577 or Sharon LaFleur, at the East Baton Rouge Council on Aging at 504/389-4900.

Comments Asked on Federal Aid Report

James T. McIntyre Jr., director of Office of Management and Budget (OMB), has released for public comment an 11-volume study aimed at streamlining the management of federal assistance programs.

Entitled "Managing Federal Assistance in the 1980s," the study includes 51 draft papers addressing alternative means for carrying out federal assistance programs and for streamlining the many conditions that are now attached to federal assistance.

In the past decade federal aid has eroded dramatically and often irrevocably," noted McIntyre. "The study is how to improve the management of federal assistance programs of major importance since it affects many American citizens and in excess of \$100 billion annually." McIntyre urged state and local officials to provide OMB with comment. "I want to assure all officials, OMB has not reached final decisions on the issues raised, and will not do so until we have had opportunity to benefit from publication to the draft study papers to be noted.

The Intergovernmental Cooperation Act of 1968 triggered major efforts to improve federal assistance management, but none entailed the broad scope of the current study. The current study was defined in the Federal Grant and Cooperative Agreement Act of 1977, which requires a report to Congress by February 1980. The act seeks to provide greater order and consistency in managing the federal assistance programs.

The study includes an analysis of national policy requirements, the legal rights and remedies available to assistance recipients, alternative concepts of accountability under federal assistance programs and an executive branch organization for assistance management.

Copies of a study overview as well as the papers themselves are available from OMB upon request. For copies write the Intergovernmental Affairs Division, Office of Management and Budget (OMB), Room 5235, New Executive Office Building, Washington, D.C. 20503. Please submit comments to Linda Church, NACo, no later than Oct. 31.

STATES GET \$186 MILLION

Interim Forest Payments Made

An interim payment of more than \$186 million has been made to 38 states and Puerto Rico, representing a major portion of their shares of national forest receipts for fiscal '79.

By law, 25 percent of the revenues collected by the U.S. Forest Service from timber sales, grazing, recreation, mineral and land use charges are returned to the states in which the 188 million acres of national forest system lands are located. The funds are to be used for public schools and roads.

"This is the first year in which we have made an interim payment of 75 percent of the estimated total amount owed to each state," Secretary of Agriculture Bob Bergland noted. "In the past, we issued an estimate in May of the total owed to each state, but the states did not receive actual payments until Dec. 1. Our new policy of issuing interim payments... should make it easier for the states to plan their budget."

Total payments to the states as a result of revenues collected from the

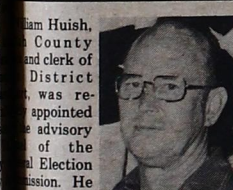
use of national forest system lands and resources are currently expected to be in excess of \$248 million for fiscal '79.

Oregon receives the largest interim payment of \$80.2 million. California receives the next largest payment of \$37.9 million followed by Washington which receives \$25 million.

Below is a table of the estimated total forest service payments as well as the interim payments to be received by each state.

State	Revised Estimated Payment	75% Interim Payment	State	Revised Estimated Payment	75% Interim Payment
Alabama	\$ 744,400	\$ 558,000	New Hampshire	\$ 251,447	\$ 188,000
Alaska	2,907,500	2,180,000	New Mexico	2,659,909	1,994,000
Arizona	5,632,591	4,224,000	North Carolina	326,367	244,000
Arkansas	3,391,847	2,543,000	Ohio	44,175	33,000
California	50,569,533	37,927,000	Oklahoma	497,253	372,000
Colorado	1,787,699	1,340,000	Oregon	107,004,684	80,253,000
Florida	1,167,550	875,000	Pennsylvania	474,200	355,000
Georgia	825,900	619,000	Puerto Rico	5,250	3,000
Idaho	12,380,886	9,285,000	South Carolina	Requested that the interim payment not be made	
Illinois	31,525	23,000	South Dakota	746,978	560,000
Indiana	55,550	41,000	Tennessee	221,208	165,000
Kentucky	125,374	94,000	Texas	1,886,950	1,415,000
Louisiana	2,221,600	1,666,000	Utah	959,051	719,000
Maine	17,403	13,000	Vermont	55,100	41,000
Michigan	600,375	450,000	Virginia	175,150	131,000
Minnesota	618,988	464,000	Washington	33,391,086	25,043,000
Mississippi	4,953,850	3,715,000	West Virginia	128,176	96,000
Missouri	1,907,425	1,430,000	Wisconsin	349,450	262,000
Montana	8,018,441	6,013,000	Wyoming	1,183,685	887,000
Nebraska	51,750	38,000	Total	\$248,634,635	\$186,457,000
Nevada	264,329	198,000			

Records and Clerks Corner



Huish

meeting of NACRC in Kansas City this summer. Greenhalgh, director of the FEC clearinghouse, was guest speaker. During his talk, Dr. Greenhalgh explained the function of the advisory panel as a guide in determining what projects would be undertaken for study by the clearinghouse.

Huish was elected Utah County clerk in 1970. He has served as president of the County Clerks and Auditors Association of Utah and is the current president of the Utah Association of Counties. He is a member of the NACRC Board of Directors, serving as chairman of its elections committee. His name appears in the third edition of *Who's Who in Government*, and the seventeenth edition of *Who's Who in the West*.

William Huish, County Clerk of Utah, was elected to the National Association of County Clerks and Auditors (NACRC) on the 22-member advisory panel consisting of election officials from all over the country. His appointment came after a resolution was presented to Dr. Gary Greenhalgh, during the national

House Vote on Welfare Scheduled

Continued from page 1

for AFDC food stamp benefits could be tested in two localities.

Hill observers argue that unless the cash bill is acted on in this session by the House and taken up early next year that it will ever be enacted. Election years are not favorable for passage of spending bills. With the best of timing, H.R. 4904 needs to pass the Senate and be resolved in conference early in 1980.

Momentum for welfare reform generated by NACo and other public interest groups in the 95th Congress has been difficult to sustain in the face of increasing cost-consciousness on the part of members of Congress and other pressing social spending needs like lifting the food stamp spending cap and providing financial assistance for fuel energy to low income households.

Welfare costs remain the largest single cost to county governments, and NACo has continued to press for welfare reform. County officials should contact their representatives now to urge passage of H.R. 4904 and to ensure that it does get to the floor of the House before it recesses in December.

Fiscal Relief to States in '82 (millions)

Alabama +	1.3
Alaska	2.5
Arizona	1.0
Arkansas	.8
California* +	221.5
Colorado*	9.5
Connecticut*	19.9
Delaware*	3.6
District of Columbia*	20.9
Florida	3.6
Georgia +	2.0
Hawaii*	5.4
Idaho	1.4
Illinois*	151.6
Indiana +	20.8
Iowa*	12.3
Kansas*	8.6
Kentucky	2.3
Louisiana	1.8
Maine	1.1
Maryland* +	23.9
Massachusetts*	60.0
Michigan*	104.1
Minnesota* +	11.3
Mississippi	.4
Missouri*	14.7
Montana* +	1.0
Nebraska* +	1.9
Nevada	1.0
New Hampshire	1.2
New Jersey* +	52.4
New Mexico	.6
New York* +	145.3
North Carolina +	2.6
North Dakota +	.7
Ohio* +	96.1
Oklahoma	4.0
Oregon* +	16.7
Pennsylvania*	51.7
Rhode Island*	6.3
South Carolina +	.8
South Dakota	1.0
Tennessee	1.4
Texas	2.4
Utah*	3.2
Vermont*	.4
Virginia*	10.7
Washington*	17.6
West Virginia	1.0
Wisconsin* +	18.5
Wyoming +	.6

*Signifies the states with AFDC-U programs.

+Signifies states with county-administered AFDC programs.

Criminal Justice

LEAA Authorization. The House has passed H.R. 2061, by a vote of 220 to 54. The bill restructures the Law Enforcement Assistance Administration to assist state and local governments in improving the quality of their justice systems. The Senate bill, S. 241, passed in July. Differences between the two bills must be worked out in conference. Time for the conference hearings has not been set. Congress has appropriated \$486 million for fiscal '80 with \$100 million earmarked for the Office of Juvenile Justice and Delinquency Prevention. This is approximately \$100 million less than the President's recommendation and \$200 million less than fiscal '79.

Environment/Energy

Energy Mobilization Board. Representatives of the New Coalition Energy Task Force met with House leaders on the different versions of the EMB under consideration (see story page 1). The EMB bill could come to the House floor as early as this week.

Nuclear Waste Management. Late last week Gerald Fisher, supervisor, Albemarle County, Va., testified before a Senate energy subcommittee on S. 742, the Nuclear Waste Management Act of 1979. While generally supportive of the Percy-Glenn bill, Fisher offered some specific amendments to the proposal which were well received by the subcommittee. Details on the proposal and Fisher's testimony will appear in next week's *County News*.

Energy Impact Assistance. The Senate Interior appropriations bill, containing the funds for the Farmers Home Administration energy impact assistance program, has been sent to the Senate floor where it was under consideration last week. Also, later last week Gerald Fisher, supervisor, Albemarle County, Va., testified before the Senate subcommittee on filed on the Hart and Ford amendments to the FmHA impact program. Details of his testimony will be in next week's *County News*.

Local Energy Management Act. The Department of Energy authorization bill for fiscal '80 finally made it to the House floor. Rep. Philip Sharp's amendment, which establishes a Local Energy Reference Center to facilitate information exchange between local governments, was approved by voice vote. Final passage of the DOE authorization bill, and the Sharp amendment, is expected early this week.

Integrated Environmental Assistance Act. S. 1136, sponsored (by request) by Sen. John Culver (Iowa) would consolidate the adminis-

Continued from page 1

tration of federal clean air, water quality, solid waste, drinking water and other environmental grant programs except for construction grants. It authorizes \$25 million in supplementary assistance to aid the development of an integrated environmental program at the state and local level. Hearings scheduled for Oct. 16 have been postponed until Nov. 8.

only 66 percent of CETA jobs went to the disadvantaged. "But by next year they will get 94 percent of CETA job funds," he said.

Prior to Marshall's speech, Rep. Carl Perkins (D-Ky.), chairman of the Education and Labor Committee, told attendees at the opening general session Oct. 14 that he would push for extra monies for the CETA program next year.

Perkins said he wants a supplemental appropriations of about \$750 million, which he said would restore about 100,000 jobs to the program. Earlier this year Congress voted that 625,000 jobs funded under the program be reduced to 400,000 by Oct. 1 of next year.

Washington Briefs

Land Use/Growth Management

Agricultural Land Protection Act. H.R. 2551 is scheduled for consideration and markup in the full House Agriculture Committee on Oct. 24. See story on page 4.

Land and Water Conservation Fund and Urban Parks Appropriations. The full Senate Appropriations Committee agreed to the Interior subcommittee's recommendations for a funding level of \$359 million for the state/local portion of the Land and Water Conservation Fund, and \$125 million for the Urban Park Program for fiscal '80. Floor action is expected at any time, followed by a conference with the House which recommended \$200 million for the state and local portion of the fund and \$125 million for urban parks.

Health

Hospital Cost Containment. Vote in House expected week of Oct. 29. Attempt will be made to limit the program to a totally voluntary effort. See article on page 1.

National Health Insurance. Continued markup in Senate Finance Committee of catastrophic health insurance proposals with some additional coverage for the poor and elderly, expected to resume as soon as Oct. 22. Current committee consideration does not include NACo-supported provision to federalize Medicaid services under the bill. Hearings expected this fall in House health and environment subcommittee on Health Care for All Americans Act, S. 1720/H.R. 5191, sponsored by Sen. Edward Kennedy (D-Mass.) and Rep. Henry Waxman (D-Calif.). Field hearing on S. 1720 in Senate Labor and Human Resources to be held in New Jersey on Nov. 19.

Child Health Assurance Programs (CHAPs). H.R. 4962, to improve Medicaid services to low-income children and pregnant women, sponsored by Rep. Henry Waxman (D-Calif.), ordered reported by House Interstate and Foreign Commerce. The Senate bill, S. 1204, was ordered reported by Senate Finance. Both bills contain NACo-supported provision permitting county health departments to provide assessments without directly providing follow-up care.

Mental Health Systems Act. Senate Labor and Human Resources health subcommittee staff draft of S. 1177, Administration bill sponsored by Sen. Edward Kennedy, to provide more flexibility in delivery of services and support of community-based mental health programs, scheduled for markup at press time. Draft going to markup containing NACo-supported provisions safeguarding local planning process. House Interstate and Foreign Commerce health and environment subcommittee markup of H.R. 4156, not yet scheduled. See article on page 2.

Medicare Amendments. Markup of H.R. 3990, 4000, et. al. containing miscellaneous provisions, including NACo-supported amendments to extend coverage for home health care, under way in House Commerce health subcommittee at press time. Markup in House Ways and Means expected in early November.

504 Court Case. NACo, along with the American Public Transit Association (APTA) is awaiting a decision regarding a permanent injunction against the transportation handicapped regulations issued by the Department of Transportation. A decision by the judge is expected in a week to 10 days.

DOE Full Allocations Extended. The Department of Energy has extended special rule 9, allocating public mass transportation and other surface transportation for another 120 days, until Jan. DOE also announced its intention to make the rules permanent. This guarantees transit operations and fuels in the face of increasing demands.

Welfare/Social Services

Welfare Reform. H.R. 4904, Welfare Reform Amendment of 1979, tentatively scheduled for floor action Oct. 30. County officials should urge House members to bring the bill up before end of year. See article page 1.

Child Welfare and Social Services. Senate floor action on H.R. 4904 was tentatively scheduled for Oct. Numerous amendments expected financing of Title XX, Title IV-A, Title IV-A foster care. NACo reports House provisions.

Indochinese Refugee Assistance Program (IRAP). One hundred percent federal funding for welfare medical costs continues until 20. Resolution of bills pending Senate, S. 1866, and House, H.R. 2816, before then uncertain. See page 3.

Food Stamp Hearings Set

The cap on food stamp expenditures and recoupment of food stamp benefits are two issues facing the House Agriculture Committee as it begins hearings on the future of the food stamp program.

NACo, along with state and local officials and public interest groups, will be testifying on these and other issues next week. In preparation, NACo's Welfare and Social Services Steering Committee will meet at NACo headquarters Oct. 23 to plan its testimony.

Last week the committee heard testimony from representatives of the Administration and federal agencies.

The food stamp cap is set at \$6.2 billion for 1980, but the Congressional Budget Office estimates the costs will be \$7.5 billion. NACo supports raising the cap to prevent across-the-board cuts for recipients. The cap on fiscal '79 payments was raised when Congress

passed a supplemental appropriations bill last July which included \$988 million for food stamp.

A plan for recouping benefits submitted by Rep. James M. Jones (R-Vt.) would require food stamp recipients to pay back some of their benefits during a calendar year if their adjusted gross income that year exceeds twice the poverty line. NACo opposes recouping administratively infeasible.

Other key issues to be addressed are cashout of food stamp recipients of Aid to Families with Dependent Children (AFDC) as those receiving Supplemental Security Income (SSI), and the position of penalties on states do not cut their error rates.

Counties interested in testimony on these and other food stamp issues should contact NACo as soon as possible.

—Gary D. ...

Marshall Notes Work of County Officials

Continued from page 1

that today more than eight and one half million people are on the job because of the CETA program working successfully in communities all across the nation.

He said hard-working county officials were largely responsible for the program's important success, and that the CETA program was the largest job expansion activity since the New Deal.

"We are directing CETA resources to those who need the help most. The new CETA has tough eligibility requirements to make sure that jobs and training opportunities go to those who need help the most," he said.

The Secretary noted that in 1976

only 66 percent of CETA jobs went to the disadvantaged. "But by next year they will get 94 percent of CETA job funds," he said.

Prior to Marshall's speech, Rep. Carl Perkins (D-Ky.), chairman of the Education and Labor Committee, told attendees at the opening general session Oct. 14 that he would push for extra monies for the CETA program next year.

Perkins said he wants a supplemental appropriations of about \$750 million, which he said would restore about 100,000 jobs to the program. Earlier this year Congress voted that 625,000 jobs funded under the program be reduced to 400,000 by Oct. 1 of next year.

According to Rep. Perkins, "CETA has two basic roles—public service employment and job training—and should receive about \$9 billion from Congress this fiscal year."

County officials also heard from Marjorie Knowles, the recently appointed inspector general of the U.S. Department of Labor. Knowles said that the Labor Department will be conducting numerous audits of the CETA program this year to ensure that the program continues to be managed as efficiently as possible.

In addition, conference attendees heard Assistant Secretary of Labor Ernest Green forecast new improvements planned for the CETA program which will enhance its capabilities at local government level.

During the 65 panel sessions, speakers spoke on topics including management, organizing for vocational education, job restructuring, fiscal management coordination and program evaluation.

New officers were also elected to the National Association of Employment and Training Administrators (NACETA). Named president was Robert Poppewell, County, Texas, while Maurice of the Multnomah-Washington Consortium, Ore. was elected vice president.

Robert "Skip" Johnston of Card County, Fla., was named representative to the NACo Board.