

## This Week

- Aid provided to Indo-Chinese refugees on Cambodian relief bill, see page 3.
- Low-income energy checks could be ready for January, see page 3.

Vol. 11, No. 45

# COUNTY NEWS

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

November 19, 1979

**NACo**  
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Washington, D.C.

## Carter Backed on Iranian Oil Freeze

In a move to thwart America's dependence on foreign oil and conserve energy, NACo's Transportation Steering Committee passed two resolutions endorsing President Carter's freeze on the importation of Iranian oil and calling for the enactment of a windfall profits tax.

At its meeting last week at NACo's headquarters, the committee pledged support for Carter's action and called on all Americans to support energy conservation through the use of mass transportation, carpooling, carpooling and other alternatives to single vehicle travel.

After hearing from staff of the House transportation subcommittee and other transportation experts, the committee endorsed a measure by Rep. James Howard (D-N.J.), H.R. 5375, that would create a public transportation trust fund.

"It's time that the Administration, House and Senate get their act together and settle on a windfall profits tax that can effectively fund transit-energy type programs," said Diridon, Santa Clara County (Calif.) supervisor, who chaired the meeting. The Howard bill differs from other windfall tax measures in that it does not rely on fixed dollar amounts. Instead, it would establish

a transportation trust fund made up of 25 percent of the taxes on oil companies resulting from oil decontrol with no limit on the amount of funds generated.

Currently, under the Administration's proposal, funding for transportation initiatives in energy conservation is set at \$16.5 billion over the next decade, while the Senate's version calls for a \$15 billion spending ceiling. Opponents of the two measures say they don't take into consideration unforeseen fluctuations in the price of fuel.

"Oil prices are always rising and public transit ridership may double over the next decade," said Fred Burke, a public transportation consultant.

"We can't expect counties to bear the burden of underfunding because of inaccurate oil pricing predictions by the Administration and Congress."

In other action, the committee, after meeting with representatives of the trucking industry and the Interstate Commerce Commission, endorsed the deregulation of the trucking industry. It approved a resolution calling for the immediate enactment of the Carter/Kennedy motor carrier regulatory reform bill.

—Paul Serber



PROBLEMS AIRE—CAB Chairman Marvin Cohen hears county officials' complaints about airline deregulation.

## CAB Head, Officials Square Off

Civil Aeronautics Board Chairman Marvin Cohen wound down his "the-news-is-good" sermon on airline deregulation to NACo's transportation policy-makers with the admonition: "Be patient with small airlines."

The faces of the congregation—some 40 county officials from around the country—were doubtful. Attention shifted to two officials from different coasts, who had some "bad" news about the decontrol plan the CAB

chairman said was working "reasonably well."

A California supervisor charged that the end of jet service by a major airline at Bakersfield has forced people back onto the highways.

A county executive from New York contended that two corporations listed the lack of air service by a major carrier among their reasons for not relocating in his community.

Supervisor John Mitchell of Kern County, Calif. and NACo's vice chairman for airports, pointed to the "chaos" that resulted from the end of major airline service at Bakersfield, saying that the new smaller carrier was unable to cope with the large volume of passengers.

"We are finding more and more people driving the 300 miles north to San Francisco and 100 miles south to Los Angeles because they are unhappy with the quality of service," said Mitchell.

"Needless to say," he added, "this isn't doing much for the energy crisis."

The CAB chairman was sympathetic but firm. He admitted that Bakersfield had a "bad transition," and acknowledged that the CAB should have moved more slowly in pulling out the major airline.

"We learned from this experience," said Cohen. He explained that a new "transition policy" has been developed especially for medium-sized communities where small airlines are not initially able to meet high passenger demands.

See AIRLINE, page 3

### Bulletin

In a resounding defeat for the Administration, the House approved, 221-75, the Hospital Cost Containment Act of 1979 without a provision for a mandatory cost containment system. Rep. Richard Gephardt's amendment to the bill, which establishes a voluntary-only approach to cost containment, passed the House 234-166. Under the amended version, a national hospital cost review board would report to Congress annually.

## SAVING FARMLAND

### NACo Hails Passage by House Agricultural Panel

By a vote of 26-13, the House Agriculture Committee recently approved a bill to assist counties in preserving agricultural land. Sponsored by Rep. James M. Jeffords (Vt.), H.R. 2551, the Agricultural Land Protection Act, provides \$60 million over a three-year period to be distributed among states and counties that wish to develop new and more effective methods of farmland protection.

The bill also authorizes a federal evaluation of the methods developed thus far, so that other states and counties will benefit from the information.

The bill received strong bipartisan support from Rep. Richard Nolan (D-Minn.) and was shepherded through the committee by Chairman Thomas S. Foley (D-Wash.). A move by Rep. Charles E. Grassley (R-Iowa) to strike the grant provision

from H.R. 2551 failed by a wide margin, but the committee did remove from the bill a section that would have required federal agencies to notify states and counties of pending federal actions that could result in the conversion of farmland to non-agricultural uses.

In a press conference following the committee action, NACo Executive Director Bernard F. Hillenbrand congratulated Rep. Jeffords and thanked Chairman Foley and his colleagues for their support. Calling for "a halt to the relentless loss of agricultural land in this nation," Hillenbrand pledged the continued support of NACo to the ultimate enactment of the farmland bill.

**HILLENBRAND NOTED** that the support of counties for the measure should come as no surprise, since it has been the counties that have taken the lead in farmland preservation. "Although the loss of agricultural land may not yet threaten the national security, like the shortage of oil," he said, "it is already having a profound effect on local communities all across America." He cited the closure of farm businesses, higher supermarket prices and increasing costs of providing public services such as roads and sewers as consequences of local farmland losses.

Rep. Jeffords echoed NACo's executive director's remarks, warning that the United States should not wait to protect farmland as it

See NEED, page 2



ING AGLAND RETENTION—NACo Executive Director Bernard Hillenbrand, left, congratulates Rep. James Jeffords (R-Vt.) during press conference where he announced House Agriculture Committee passage of Agricultural Land Protection Act.

## Parts of Ambitious Energy Puzzle Falling into Place

When President Carter announced this summer at NACo's annual meeting in Kansas City his grand plan to deal with the nation's energy crisis, many predicted that it would suffer the same congressional manhandling and delay as his original National Energy Act.

So it is not without a good deal of satisfaction that the President has watched his new program speed through Congress. All but one of the major pieces of his energy package have not been acted upon to some form. The final item, the windfall profits tax, should clear the Senate this week.

But while the President has seen rapid, and for the most part favorable, action on his proposals, they have not been without controversy. Both the Energy Mobilization Board and synthetic fuels bills have yet to

clear potentially controversial House-Senate conference committees, and it appears likely that the Senate will approve a windfall profits tax which is significantly different from both the House-passed version and the Administration proposal. Despite the remaining hurdles, however, it is expected that the President will be able to sign those bills into law before the end of this session.

In addition, the President recently signed a bill which authorizes him to develop a standby gasoline rationing plan and other mandatory conservation measures.

### WINDFALL PROFITS TAX

Considered the centerpiece of the Administration's package, the windfall profits tax would apply to revenues generated for the oil companies by the phased decontrol of crude oil

See PRESIDENT'S, page 7



# Conferees Settle LEAA Reauthorization Issues

Eligibility criteria for local entitlement status, local matching requirements and coordination of federal criminal justice assistance were the major areas of disagreement resolved by House and Senate conferees on LEAA reauthorization.

They agreed that counties, cities, and combinations of jurisdictions with a population of at least 100,000 are entitled to receive a guaranteed allocation of Law Enforcement Assistance Administration funds, if the entitlement jurisdiction would be allocated at least \$50,000 and expend at least .15 percent of total state and local criminal justice expenditures. Combinations must be contiguous if not in the same county, but need not be solely within one state.

As a compromise on the issue of match, conferees decided that in fiscal '80 state and local jurisdictions may use up to 100 percent federal funds for formula grant action programs. Beginning in fiscal '81, however, a 10 percent cash match will be required for these funds, and the cost of successful programs must be assumed after a reasonable period of time—usually three years. The LEAA administrator is authorized to make exceptions to these provisions for hardship cases and Indian tribes. Discretionary grants may be up to 100 percent of the cost of innovative projects.

An umbrella agency, the Office of Justice Assistance, Research and Statistics (OJARS), authorized in the Senate bill, was eliminated in the House version. The conferees reinstated OJARS with reduced authority. It will now coordinate and provide staff support to LEAA, the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS), but will not control their activities. OJARS will resolve differences between the three agencies and set policy only for LEAA's national priority and discretionary grant programs, in conjunction with LEAA. Each bureau will have final sign-off authority for awarding grants in its area.

OTHER ISSUES WERE resolved by the conferees. The program is authorized for four years—fiscal '80 through '83. Fiscal '80 is a transition year for changeover from the current LEAA program. The maximum allowable appropriation in each year is \$25 million for NIJ, \$25 million for BJS, \$25 million for community anti-crime and \$750 million for LEAA.

Governments are generally prohibited from using these funds for new construction. Renovation and repair are permitted. Equipment may be purchased only where it is an incidental and necessary part of an improvement project, for operational information and telecommunications systems and for bullet-proof vests.

The role of entitlement jurisdiction

was similar in both bills, so no major changes were made. Each entitlement jurisdiction must submit a three-year application for funds which will be included with the state application submitted to LEAA.

The locality will determine which particular projects will be funded with its allocation.

States have the authority to ap-

prove or disapprove a local plan, but the issues they can control have been severely limited, and the burden is on the state to show it has acted reasonably.

LEAA will continue to administer the Law Enforcement Education Program (LEEP). Under the original reauthorization bill, it would have been transferred to the Department of Education.

## Making the Most of Services to Youth

### Outagamie County Experiment

young people with special problems—offenders, the handicapped and single parents.

As a result of the training session, Outagamie County will soon:

- Develop a training program within county jurisdictions so that agencies will keep each other informed about their activities;
- Improve local planning through a youth council;
- Publicize "success stories" involving CETA and the private sector;
- Work with the schools, through programs like CETA, to deter dropouts;
- Engage college students to conduct a community needs assessment.

NACoR staff will conduct a two-

part followup to determine the results of the technical assistance session.

ONE MONTH BEFORE the session, preliminary interviews with potential participants had revealed that most were uncertain about what agencies were performing what services for county youth and what local and national resources were available to help.

At the subsequent meeting in Outagamie County, representatives of the Board of Supervisors, CETA system, courts, social services, police jurisdictions and school systems and a private nonprofit agency looked for ways to overcome these barriers to filling the employment needs of juvenile offenders.

They established five priorities which served as the basis for action plan. These were:

- Increased communication among agencies;
- More money for jobs with less restrictions;
- Employment-related education and skills training for dropouts, potential dropouts and youth with special needs;
- Educational units within the school to provide employment-related services;
- Research on the problem of community needs.

Jim Lauer, CETA director; Mary Alice Martinez, director of Youth Services, Inc.; and Paul Vidas, CETA youth program coordinator in Appleton School District, agreed to lead the lead in carrying out the group plan for action.

Contact Ellen McGiver at NACo for more information.

### Need to Save Farmland Told

Continued from page 1

has failed to conserve petroleum. "This country is going to have to produce as much food within the next 20 years," he said, "as has been produced throughout the world since the beginning of time." The domestic and global demand for food is growing, he noted, and "unlike the situation with energy, there is no 'alternative source' of food—only our prime farmlands."

The Jeffords bill, which recognizes the primary responsibility of state and local government for farmland preservation, will now be considered by the full House. A companion measure, sponsored by Sen. Warren G. Magnuson (D-Wash.), is pending before the Senate Agriculture Committee.

### INNOVATION IS THE WORD

## County Parks Look to the '80s

"Counties can be effective wholesalers for park and recreation services," said Jim Truncer, park and recreation director of Monmouth County, N.J., at a workshop at the

National Recreation and Parks Association Congress recently. The National Association of County Park and Recreation Officials sponsored this workshop to discuss the trend of increased involvement of counties in providing recreation. NRPA is the major professional association for the park and recreation field.

"The crunch in local funding will continue into the next decade," Truncer predicted. "Municipalities can use counties to have access to a wide variety of services that they could not afford on their own."

Ray Printz, director of the unique Jefferson County (Colo.) Open Space program described a number of activities counties can undertake cooperatively with cities to make sure all citizens have access to recreation. First, counties generally manage regional parks too large for cities and too small for states to run. These facilities can provide a natural experience much different from smaller city parks as well as the traditional recreation facilities for swimming and athletics.

Just as importantly, counties can provide coordination services between municipalities, such as master planning. Joint city/county ventures and joint applications for state and federal funds have also proven to be a valuable way to get the most out of each local park and recreation dollar.

For example, Maricopa County, Ariz. runs a large regional park system, but also cooperatively plans and develops smaller parks on the outskirts of cities. The county has turned over 23 park sites in 12 years to municipalities within its borders.

The county park directors also spoke of the importance of involving citizens in planning facilities and programs. John Weber, Harford County (Md.) park director, described the system of 16 recreation

councils in his county. The councils provides the leadership and the facilities while the councils provide money for materials as well as volunteer time.

"The parks department was only one in the county receiving increase in its budget, because we had citizen support at every public hearing," Weber said.

Bill Bird, director of the Duval County (Fla.) park system described several budgeting and management techniques which enabled his county to cut costs as well as bring in funding from sources other than the county general fund. Increased use of part-time labor, revenue-producing facilities, the establishment of "proprietary accounts" for some functions were discussed.

The county park directors predicted that the scarcity of local funds will continue into the 1980s. As Bird stated, "The future will be bleak unless we are innovative."

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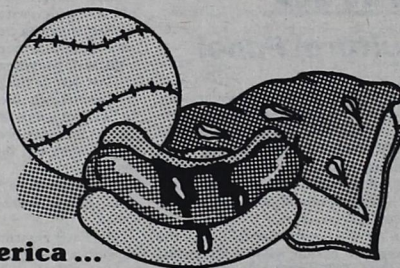
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## DIVIDED AMONG 3 PROGRAMS

## Congress Votes Fuel Aid for Poor

Federal help this winter for poor people with high energy bills seems virtually certain.

On Nov. 9 both Houses of Congress approved H.R. 4930, which provides for the entire funding which the President had requested.

Furthermore, Congress passed this bill within the deadline necessary to issue checks by early January for recipients of Supplemental Security Income (SSI).

According to White House staff

the President will sign the bill "soon." There was some earlier concern that he might wait for passage of the windfall profits tax, which has just been reported out of the Senate Finance Committee.

Federal funding is divided among three programs:

- \$942.6 million for recipients of Aid to Families with Dependent Children (AFDC) or, if a state develops a plan within 30 days of the bill's enactment, for block grants;

- \$400 million for SSI recipients;
- \$400 million for "Crisis Assistance" to households with an income at or below 125 percent of the poverty level (about \$7,300 for a family of four).

The allocation among states (see chart) is based on a formula that is extremely sensitive to cold weather.

For fiscal '81, Sen. Harrison A. Williams (D-N.J.) has introduced S. 1724 that will use a formula slightly

less responsive to cold weather, will liberalize the eligibility requirements somewhat to include people with slightly higher incomes, and will nearly double the authorized funding.

The Senate this week passed S. 1724, and the bill may be attached to the windfall profits tax bill, H.R. 3919.

Sen. Gaylord Nelson (D-Wis.) has also introduced S. 1725 that should increase federal support for weatherization and conservation programs.

## Federal allocations to states under low-income energy assistance programs

(Total: \$1.742 billion)

(sums in millions of dollars)

	CSA <sup>1</sup>	SSI <sup>2</sup>	AFDC <sup>3</sup>
Ala.	4.57	6.11	4.36
Alaska	1.15	1.16	3.10
Ariz.	1.99	1.65	1.88
Ark.	3.09	3.70	3.31
Calif.	17.48	30.08	20.97
Colo.	4.82	4.54	10.43
Conn.	9.01	7.94	21.19
Del.	1.20	1.14	2.67
D.C.	1.49	1.54	3.04
Fla.	5.30	6.61	2.60
Ga.	6.06	7.10	5.77
Hawaii	.19	.33	—
Idaho	2.23	1.99	5.15
Ill.	23.77	19.33	45.52
Ind.	11.23	8.77	21.95
Iowa	6.51	5.99	15.22
Kan.	3.12	2.37	5.17
Ky.	6.18	6.40	9.59
La.	3.05	5.21	2.11
Maine	4.86	5.01	12.50
Md.	6.85	6.57	14.64
Mass.	17.79	18.06	40.64
Mich.	21.24	19.98	47.49
Minn.	13.74	13.26	36.14
Miss.	3.06	4.65	2.46
Mo.	9.35	8.35	16.02
Mont.	2.17	2.05	5.35
Neb.	3.22	2.74	6.83
Nev.	.90	.74	1.55
N.H.	3.04	2.81	7.75
N.J.	16.51	15.20	36.47
N.M.	1.90	1.93	3.16
N.Y.	52.04	51.76	117.73
N.C.	9.11	10.28	16.24
N.D.	2.33	2.61	7.06
Ohio	20.64	17.58	40.11
Okl.	3.67	3.71	4.61
Ore.	4.72	4.55	11.30
Pa.	28.06	25.71	59.28
R.I.	2.90	2.72	6.56
S.C.	3.75	4.45	4.83
S.D.	2.11	2.20	5.77
Tenn.	6.47	7.56	9.33
Texas	9.86	11.18	8.16
Utah	2.02	1.67	4.28
Vt.	2.06	2.15	5.44
Va.	8.35	8.30	16.68
Wash.	7.91	7.81	18.63
W.Va.	3.84	3.77	6.83
Wis.	13.05	12.79	31.35
Wyo.	.79	.71	1.91
<b>Total</b>	<b>400</b>	<b>400</b>	<b>942.6</b>

<sup>1</sup>Community Services Administration program

<sup>2</sup>Supplemental Security Income program

<sup>3</sup>May be used for block grants or AFDC recipients.

## Refugee Aid Extended for Two Years

Congress has voted to continue 90 percent federal reimbursement for Indochinese refugee assistance for two more years. The action—which could later be superseded by the Refugee Act of 1979—came as an amendment to the Cambodian Relief Act, H.R. 1668, shortly before funds for the program were due to expire. The present authorization for the Indochinese Refugee Assistance Program (IRAP) originally expired Oct. 1 and was continued under a temporary authorization for the Labor-HEW budget, which expires Nov. 20. A second continuing resolution to authorize HEW program spending for the Labor-HEW Appropriations bill passes, or until Sept. 30, 1980, cleared the House and is expected to pass the Senate by Nov. 20.

The appropriations bill is still held over House and Senate disagreement on abortion language.

The IRAP extension, sponsored by Sens. Alan Cranston (D-Calif.) and S.I. Hayakawa (R-Calif.), is intended to clarify the status of refugee reimbursement until Congress resolves the Administration's refugee policy bill, H.R. 2816. This bill, the Refugee Act of 1979, as passed by the Senate and reported to the House Judiciary Committee, would extend IRAP for only one year, and after that would limit assistance to two years or four years on date of entry.

However, because both Houses have gone on record in the Cambodian Relief bill in favor of a two-year IRAP extension, hopes have been raised for success of an amendment to be introduced by Rep. George Danielson (Calif.) to amend the one year grandfather provision in H.R. 2816 to two years. (H.R. 2816 would extend the IRAP provision in H.R. 1668.)

New refugees are arriving in the United States at a rate in excess of 100 a month since Oct. 1. The Administration estimates 168,000 Indochinese refugees a year will be admitted in fiscal '80 and '81. The number of refugees from Vietnam, Laos and Cambodia will be about 563,000 by Sept. 30, 1981. These numbers do not account for seasonal refugees who may flee the southeast of Southeast Asia.

NACo supports continuation of 90 percent federal reimbursement for refugee costs until the influx into the United States stops and refugees are absorbed into the local economy. It opposes limiting federal reimbursement to two years from date of entry as proposed by the Administration, because a high percentage of refugees, who are unevenly distributed within the United States, continue to require assistance for a long period.

For more information, contact Mr. Johnson at NACo.



WHAT IS "ESSENTIAL SERVICE?"—NACo's Transportation Steering Committee meets with Civil Aeronautics Board Chairman Marvin Cohen to discuss air service to small communities. At table, from left, are: Don McManus, county executive, Broome County, N.Y.; John Mitchell, supervisor, Kern County, Calif.; Cohen; Katie Dusenberry, supervisor, Pima County, Ariz.; NACo chairman for airports.

## Airline Deregulation Blamed in Service Falloff in Smaller Areas

Continued from page 1

As for the future, Cohen declared: "Jet planes were built to fly long distances. It's a question of economics. The CAB does not intend to finance jet planes to fly only 100 miles and lose money in the process."

BROOME COUNTY (N.Y.) Executive Don McManus brought chuckles from the group when he "confessed" to being nearly grounded on his flight to Washington. He explained that, while he was waiting in the ticket line, the airline he used to fly out of Binghamton twice reduced the size of the plane it would use—finally settling on an eight-seater for nine passengers.

"The gentleman left at the gate had a connecting flight in Washington," McManus told Cohen.

The Broome County executive, who is also chairman of the local economic development agency, questioned whether the CAB in its deregulation efforts was taking into account the negative economic impact of reduced airline service to communities. He tied the loss of two potential corporations seeking to relocate in the Binghamton area to the "unreliability of our current airline service."

"There's no industrial firm going to locate in a community that cannot guarantee quality and dependable airline service, or fuel enough for the corporate fleet," he said. McManus charged that, because of his local carrier's designation, it is able to fuel its planes first, leaving low or inadequate supplies for private and commercial aircraft.

McManus also asked the CAB chairman to comment on the 140 charges which have been filed with the CAB about his local airline, but

Cohen declined, saying it was his policy to avoid looking at charges until they were formally presented at a hearing.

COHEN TOOK issue with the Broome County executive's description of airline deregulation as "a disaster for everyone involved."

He told the transportation steering committee that, a decade before deregulation, 127 out of 130 applications for withdrawal of service to small communities had been granted.

Since the beginning of airline deregulation—which Cohen described as "getting the government out of the airline business and letting the marketplace decide fares and routes"—no small community has lost service. He pointed to Section 419 of the law which "guarantees essential service" to small communities.

Where the CAB and county officials seem to part ways is over the definition of "essential service."

Under new guidelines due out by state over the next month, the CAB defines essential airline services as a level of 40 passengers or 80 seats a day. The CAB is even authorized by Congress to provide subsidies when necessary to guarantee this level of airline service.

"Many counties feel that the CAB seems to envision essential airline service as the bare minimum programs, designed to provide the lowest possible level of air transportation for their communities," said Katie Dusenberry, Pima County (Ariz.) supervisor and NACo's chairman for airports.

She suggested to Cohen that essential air service determinations be made on a case-by-case basis, rather than adhering to an "absolute mini-

mum level of service."

The Pima County supervisor also asked Cohen to consider what is known as the "front loading" approach, by giving a community as much airline services as it can demonstrate it can handle.

The CAB chairman moved one step in this direction by announcing that CAB would soon choose six to eight communities where it would pump money into air carriers with poor service records in order to document any improvements.

## DOT Conferees Increase Funding for Urban Transit

Funding for the new small urban and rural transit program (Section 18) was increased from \$10 million to \$85 million as House-Senate conferees made their decision on the DOT appropriations bill (H.R. 4440) for fiscal '80. Counties had lobbied hard for this program.

On the whole, the conferees agreed Nov. 8 to split the difference between House and Senate spending proposals. Final House action on the bill was expected as *County News* went to press.

For highways, the conferees agreed to a \$8.75 billion ceiling on use of the Highway Trust Fund. The House had originally approved a ceiling of \$9 billion. The ceiling limits the amount states can spend on highways and bridges. It is premature to say whether the \$8.75 billion ceiling will be sufficient to handle the larger than normal federal bridge

replacement/reconstruction funding, caused by the expanded federal bridge program.

The safer off-system roads program (SOS) funding was set at only \$55 million for fiscal '80. This amount is well below the \$200 million authorized for the program and the House version of \$75 million which NACo supported. The Senate had agreed to only \$35 million for the program because of fiscal '80 budget constraints. The \$55 million amount raises serious questions about the future of the program.

The SOS program is currently funded out of the general fund. NACo policy calls for funding this program out of the Highway Trust Fund.

Conferees agreed to \$1.380 billion for Section 3 (capital discretionary grant) Urban Mass Transportation Administration funding and \$1.405 billion for Section 5 (operating assistance).



# Congress Called Culprit in Eroding Federalism

## Second in a Series

By Neal R. Peirce

The federal bureaucracy—so often viewed as imperious, indifferent, inefficient—is the familiar whipping boy of those who complain that the federal government in the 1970s reached an all-time peak in meddling rule and regulation writing and dictation to its state and local government partners.

There is more than a shred of truth to the charge. Despite its considerable number of sensitive, able administrators, the federal behemoth does suffer all the evils of a large, hard-to-manage bureaucracy.

Yet if one tries to pinpoint responsibility for the accelerated centralization of power and destruction of balanced federalism that has marked the '70s, the trail leads inexorably to the body which created and perpetuated the hundreds of programs in the first place: the Congress of the United States.

Except for its moment of distinction in the Watergate crisis, the 1970s has not been Congress' proudest decade. Senators and representatives have let themselves be buffeted by a rising tide of narrow special-interest group politics. They effectively

visceralized the seniority system; then, rather than turning to strong leadership and party discipline that would have encouraged broad policy initiatives, they splintered themselves into 333 subcommittees—each a port of entry into Congress for the special-interest groups, which in turn invested \$35 million in last year's congressional elections.

Today, members of Congress busy themselves with ombudsman-like errands for constituents and react with hypersensitive alacrity to groups demanding continuation of old and inauguration of new programs, no matter how many or few the beneficiaries, or dubious the problem as a subject of national attention.

A PRIME EXAMPLE was last year's elementary and secondary education act. Back in the '50s and '60s, there had been serious doubts whether the federal government should aid local education at all. But the barrier having been breached in the '60s, the 1978 measure was pork barrel *par excellence*.

Acting more like a county school board than a national legislature, Congress tried to appease virtually every racial, economic, regional or specialized educational group in America.

The 1978 bill didn't simply authorize federal money for poor students. It went on to earmark funds for bilingual education, adult education, school libraries, basic reading and math instruction, book distribution, consumer and "biomedical enrichment."

supporting omnibus bills extending 1960s programs.

## Commentary

Congressional staff, busily writing new programs, expanded by 70 percent in the 1970s. Today, says David Walker of the Advisory Commission on Intergovernmental Relations (ACIR), the nation has "pinwheel federalism." Out from the Washington bureaucracy's many departments

Secretary of Health, Education and Welfare, notes Eliot Richardson, only a handful of persons from Capitol Hill and the Executive Branch even began to understand HEW's 300 categorical grant programs well enough to weigh seriously the claim of one program against another.

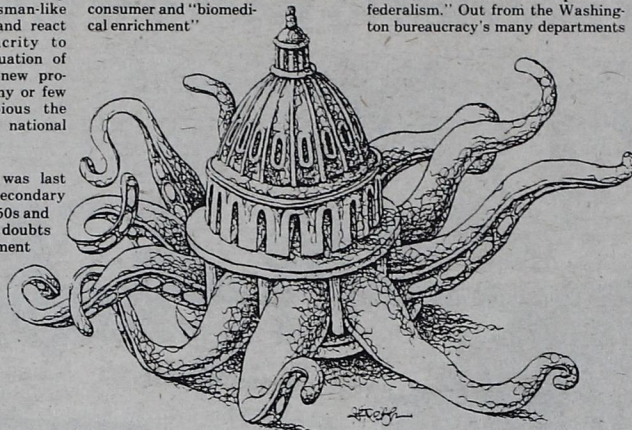
The problem is compounded, says Richardson, at the state and local level where the programs are actually delivered. Their profusion, he adds, "makes a responsible, democratic system impossible" because Congress, in its "distrust" of mayors, county executives and governors, has insisted on "the piling up of reporting requirements, systems of oversight and audit and creating new agencies regardless of whether they make sense."

Because of proliferating subcommittees, "the claims on the time of the Senate and House have multiplied to the point where senators and congressmen don't have time to discharge their duties," Richardson believes. "In the name of democracy," he insists, federal programs must be consolidated so that Congress can exercise its oversight function responsibly and so that state and local governments "can be held to clear accountability in providing responsive services that match the needs of their citizens."

That would be a tall reform order for the '80s. Congress studiously ignored a National Governors' Association offer to take a 10 percent cut in categorical aid funding in return for program consolidation. Senate hearings have begun on ACIR-backed reform legislation—permitting, for instance, the President to consolidate programs subject to congressional veto.

But individual congressmen allied with special interests will doubtless have their long knives out, even for that modest reform. Undoing the immense weight of federal programs and dictation laid on state and local governments—a process started in the '60s and carried to unprecedented heights of complexity in the '70s—awaits a reform force not yet visible on the political horizon.

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## COUNTY OPINION

# Welfare Victory

In the past few weeks NACo has played a major role in a number of legislative victories that will enable counties to help their most needy citizens—the poor, people on fixed income, children and refugees.

Victory seems especially sweet since welfare and social services is a relentless area where counties have always had to produce a ton of work for a few pounds of return.

Congress is never eager to spend money on programs for poor people unless they can guarantee an end to poverty or solve social problems. The normal election year spending jitters are stretching out in the balance-the-budget climate which pervades politics at all government levels. Programs to help poor people or reduce local government costs are natural victims if they increase the federal budget, as most social legislation does. Still, Congress did act recently on several modest spending proposals that counties support.

Let's count the successes:

1. Final passage of the Child Welfare and Social Services Bill, which NACo worked on for three years.
2. House passage of the Social Welfare Reform Amendments of 1979, the first major welfare bill passed by either Chamber of Congress in nine years.
3. Passage by both Houses of a contested two-year extension of Indochinese refugee assistance.
4. Enactment of low-income energy assistance for fiscal '80.

It is not boastful to say that, without the active involvement of county officials and NACo lobbyists, none of the above bills could have been passed.

Welfare reform has been a part of our agenda for most of NACo's history. While the bill which passed the House Nov. 7 is not major welfare reform, we have the chance—for the first time in a decade—to make substantial improvements in our nation's welfare system. The Social Welfare Reform Amendments of 1979 contains many steps outlined in NACo's welfare reform policy as essential to eventual reform of the entire cash assistance system.

Passage of the House bill is a tribute to hard working county officials—Frank Jungas, to name one who, as chairman of NACo's Welfare and Social Services Steering Committee for the past five years, has worked alongside our lobbyists to persuade Congress to pass welfare reform legislation.

While the struggle to reform our "crazy quilt" system of welfare has been long and hard—it is far from over. We still need to pass legislation to provide jobs instead of welfare checks to people who can work. And now we must turn our energy to the Senate where getting a welfare bill through will be no simple feat.

curriculums, school guidance and testing programs, magnet schools, schools under desegregation orders, after-hours use of school buildings, educational equity for women, especially gifted and talented children, ethnic heritage programs, equalizing state educational outlays, private schools, Indochinese children, right-to-read—and paperwork reduction!

The same profligate expansion of categorical aid program characterizes every other field from social services to natural resources. In the "bad old days," before dictatorial and naysaying committee chairmen were curbed, most of the new programs would have been pigeonholed, filibustered to death or eliminated in conference. But in the '70s even conservative Republicans joined in

go pigpots to state, to county, to city, to school district and special districts. Rarely is the fund flow coordinated in Washington—or in the states and localities.

IT'S GOOD politics to keep the wheels turning, spewing dollars into all the conduits. "But administratively, it's pure madness," says Walker. The system is oblivious to the 50 functioning state-local fiscal systems and the intricate, varying sets of relationships between cities, counties and states, where other huge money flows and distinct power systems operate.

So numerous are federal programs and mandates, says Vermont Gov. Richard Snelling, that no official can comprehend them all. When he was

## CETA WORKING IN EAST BATON-ROUGE

# A Long Time Since They Had a Job

CETA has been working well in Baton Rouge, La., as Willie Winfrey and Brenda Fisher can testify. Winfrey, without a job for 25 years, and Fisher, out of work for nine years, are among the first graduates of the Employment Opportunities Pilot Program (EOP) run by the Mayor-President's Office of Employment and Training in Baton Rouge-East Baton Rouge Parish.

Of the 14 recent graduates of EOP's Job Club, 10 already have jobs. Winfrey will work at Baton Rouge General Hospital, and Fisher will serve as an outreach worker at EOP to help other take advantage of the program.

Baton Rouge Mayor-President W.W. Dumas called the graduates "capable individuals who have become a part of the tax-paying community. We celebrate the fact that these people have proven to themselves and the community that they want a better way of life."

Baton Rouge's program, which came into existence in June, is one of 15 across the nation, funded with federal Comprehensive Employment and Training Act funds. Under the direction of Leo Turner, executive director of the Mayor's Office of Employment and Training, and Marvin Allen, coordinator, EOP is testing approaches in delivering employment and training alternatives to the employable poor including job education, on the job training and placement of recipients in private and public employment. Other prime sponsors running the pilot program include Union County, N.J., Marathon County, Wis. and Weld County, Colo.



Pictured, from left, are Willie Winfrey, Craig Winchell, job club specialist and Sandra Nathan, job club supervisor.

The Job Club proved to be an "education" for both clients and supervisors. Said Winfrey, "I learned a lot about people as well as how to fill out a job application. They taught me to look people straight in the eye. That helped me get a job."

Sandra Nathan, the Job Club's first supervisor, feels that she, too, learned a lot about people. "I saw the problems they have, things we have always taken for granted," she said.



# Criminal Justice Report

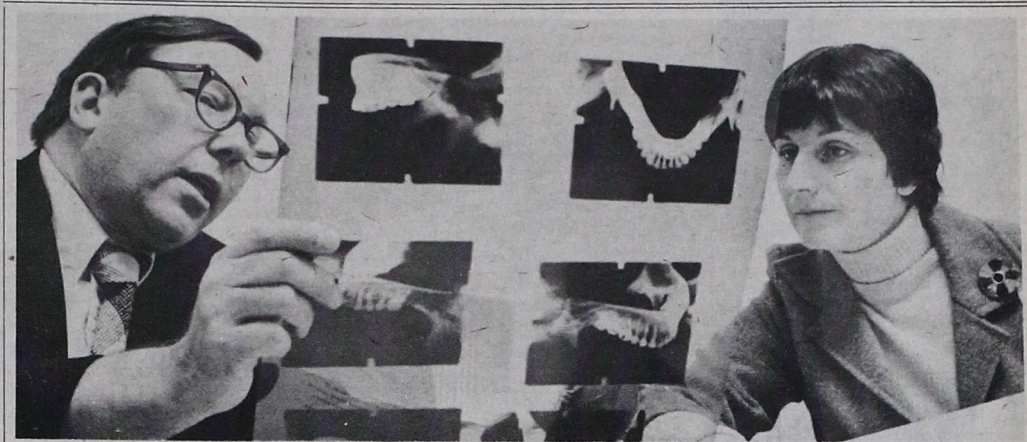
## The Coroner: New Look for an Historic Office

By Hollis Whitson

• A St. Louis woman is dead. Her husband, who had hit her over the head with a board after learning of her suicide attempt, confesses to the murder. Is he guilty? No. The medical examiner's autopsy reveals that the woman's wounds and bruises were insignificant, and the toxicology findings identify the cause of death as an overdose of medication. When her husband left the house after the beating, she had successfully repeated her suicide attempt.

• In Georgia, a man dies violently. Murder is suspected. Is the fact that he has an epileptic relevant? Yes. Forensic scientists analyzing drops of blood found in the back seat of a suspect's car discover the presence of dilantin, an anti-epileptic drug. The murderer is identified, prosecuted, and convicted of murder.

• In Florida, a man is found dead in a swimming pool. Did he drown? No. The medical examiner's autopsy identifies the cause of death as a heart attack. A medical-legal investigator turns to the scene and speaks with the dead man's friend, who recalls feeling a "tingling sensation" as she pulled him from the water. Scientific tests for radioactivity lead investigators to the cause of death: radioactivity emanating from a defective swimming pool light. The manufacturer is contacted, and hundreds of possible deaths are avoided.



A MODERN SHERLOCK HOLMES—Dr. George E. Gantner Jr., chief medical examiner, St. Louis County, Mo., checks x-rays of a crime

victim with Phyllis Weber, an assistant prosecuting attorney in St. Louis County.

Photo courtesy of St. Louis Globe-Democrat

These are not excerpts from Quincy's diary. In fact, the television series "Quincy" is based on real-life stories like these. Both the television show and these illustrations highlight the critical role which forensic science plays in the criminal justice process.

According to Dr. Ronald Wright, the medical examiner for Dade County, Fla., the coroner/medical examiner "has a broader impact than just looking at dead folks." He says that many prosecutions fail for one of two reasons: either no one recognized a death as a murder or too little attention was paid to the medical side of homicide investigation.

The primary responsibilities of the

coroner/medical examiner are to determine the cause and manner of death, to protect the living, and to assist county planners in the development of public health policies.

The office and its procedures date from a time when the average citizen was presumed capable of determining the cause of death. With little in the way of medical knowledge and with the often crude forms of murder and mayhem that existed, this assumption probably was sustainable.

Today, however, both crime and crime detection techniques have become highly sophisticated. Indeed, scientific tools are currently available which revolutionize the criminal investigative process. Among them are:

Toxicological techniques which can identify enzymes and genetic factors in blood, enabling scientists to test blood for many factors and identify many more blood types than A, B, and O. Using these techniques, medical investigators in Savannah, Ga., identified 10 different factors in a blood stain and narrowed the statistical range of possible suspects from 40 percent of the population to one person in 20,000 people. By reducing the pool of possible suspects to three people in the city, police were able to make an arrest and obtain a conviction in the case.

Specialized expertise in pathology and forensic medicine has become a reality; it is the access to that expertise with which county criminal justice planners must be concerned.

Expert medico-legal investigation techniques are not currently available in every jurisdiction. (In fact, it has been estimated that there are only several hundred practicing forensic pathologists in the United States today.) While some jurisdictions enjoy excellent death investigation services, widespread reform has been impeded by fiscal restraints, serious manpower shortages, lack of public understanding, and an absence of intergovernmental cooperation.

Coroners having independent authority to order autopsies are elected county officials under the laws of 10 states. In nine of them state law does not require candidates for the office to hold a medical degree. Five other states in which coroners may be appointed or elected also do not require them to hold a medical degree. And in North Carolina until 1967 the coroner did not need to be a physician but did have to be a person who had not denied the being of Almighty God or cooperated in a duel.

In recent decades the country has witnessed a gradual shift in the status of the county coroner from that of an elected layperson to that of a medico-legal professional. The programs and strategies employed by counties to professionalize the coroner's office are numerous and varied. What proves to be the best system in one county may be impractical or uneconomical in another. And, while the requirements of the job are more demanding, the options which counties have available to meet those demands are also increasing.

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; Hollis Whitson, intern; Clarice Williams, secretary.

## Structuring the Office to Meet the Need

### At the County Level

A number of urban counties, such as Dallas County, Tex., Suffolk County, N.Y., and St. Louis County, Mo., have developed highly sophisticated coroner/medical examiner offices.

Charles Petty, chief investigator/medical examiner for Dallas County describes his office as "strictly county affair."

He sees the appropriate state role as limited to assisting coordination among counties, with emphasis on improving service to rural areas of the state.

Texas state law requires counties of over 10,000 population to have a county medical examiner. In the smaller Texas counties, the elected justice of the peace serves as county coroner. Ten of Texas' 244 counties, comprising approximately 50 percent of the state population, have county medical examiners. The medical examiner in these counties is selected by the county commissioners and required to hold a medical degree. Texas law also states a preference for individuals with medico-legal experience in areas such as pathology.

According to Petty, the chief benefit of the Dallas County program is the degree of flexibility provided by local control of the crime lab and its services. He points out that cooperation between the police and medical investigators is key aspect of the program.

One reason for the success of our organization," he says, "is that we can analyze the evidence right here in Dallas. We can run autopsies, run ballistics tests, and do on-

scene investigations."

Petty suggested two areas in which the state might play a useful role—transportation and communication. Assistance with transportation between counties, according to Petty, would be an "extremely useful adjunct." He predicted that it would result in a "sudden, tremendous increase in the number of bodies available for autopsy."

Tied in with a provision for transportation would be support for communication. Petty suggested that a pathologist should be available to give advice "even over the telephone" to the 244 county justices of the peace who "suddenly find themselves saddled with responsibility to do something for which they aren't prepared—namely, to find out why an individual died."

Another county-based program with a national reputation for excellence is that of Suffolk County, N.Y. Dr. Sidney Weinberg attributes the success of that program to the smooth coordination among the various investigative units and the high level of accountability provided by local autonomy.

A local system has other benefits, according to Dr. Weinberg. "When it's combined under one roof," he says, "it's more economical."

Dr. Weinberg also points out that the local nature of his office allows for contact with county public health units. "Our office is not just involved with murder. We are very much involved in county environmental issues." He cited pollution abatement and pesticide regulation as examples.

One feature which many of the outstanding county-based coroner/medical examiner models share is the cooperation between the medical

examiner's office and a nearby medical school. This approach has been used in New York, Missouri, Massachusetts, Connecticut, Rhode Island, Texas, Florida, New Mexico and elsewhere. County officials in these states reportedly find that the location of the medical examiner's office within the medical school allows for a professional, stimulating atmosphere.

St. Louis County provides an excellent example of county-medical school cooperation. It was there that the first division of Forensic and Environmental Pathology on any American campus was established. Dr. George Gantner Jr., chief medical examiner for St. Louis County, directs that division of the St. Louis University Medical School and is a nationally known authority on forensic medicine. Dr. Gantner has recently set up the first Tandem Non-Stop Computer system to be used for medical purposes in any university.

For example, the computer can report the number and type of deaths, indicating which deaths should be examined as suspicious and what type of investigation should be undertaken. This system, according to Dr. Gantner, will eventually help counties develop their own coroner/medical examiner programs, predict work loads, and determine staff and funding needs.

### Multi-Level Approach

Ten states have adopted a multi-jurisdictional approach to death investigation. An example can be found in Florida where the legislature has established a statewide Medical Examiner's

Continued on page 6





**PIONEER IN FORENSIC SCIENCE**—Dr. Thomas Noguchi, chief medical examiner-coroner, Los Angeles County, Calif., has been instrumental in modernizing the office.

## New Trend is Service to the Living

Counties which have modernized their coroner or medical examiner systems are discovering that the impact of their services reaches beyond criminal justice applications and into the realm of public health and safety. Indeed, the focus of the coroner/medical examiner office is rapidly shifting from the dead to the living. The motto of the coroner's office in the Louisiana Parish of Orleans—"service to the living"—underscores this trend.

Occupational, fire, and product safety areas are all affected by death investigation, as are emergency medical services, suicide prevention strategies, and contagious disease containment efforts. Future work in the field may lead to advances in the areas of deaths in police lock-ups, the relationship between marijuana and traffic safety, and answers to the Sudden Infant Death Syndrome (SIDS) mystery.

Some county coroner/medical examiners have long been dedicated to the notion of service to the living. Los Angeles County, which is the home of one of the country's most advanced forensic science centers, is one such county. It is there that Dr. Thomas Noguchi, Los Angeles County chief medical examiner-coroner, pioneers new frontiers of forensic pathology.

Noguchi's office has been responsible for coordinating county public safety efforts concerning scuba diving equipment, motorcycle helmet construction, building code violations, and other areas.

According to Noguchi, advances in these areas are specifically the result of "advantages of the coroner system." He says that "the health department may want to investigate some dangerous or life-threatening situation, but they can't get people to come in and testify. With the subpoena powers of the coroner, we can conduct the investigation."

Noguchi has recently been exploring what he calls "psychological autopsies." By investigating such things as the precise manner of death, emotional and psychological state of both the deceased and the suspect, and surroundings at the scene of death, Noguchi pieces together data which will help police understand the motives, habits, and life circumstances of the

deceased and possible suspects. This, he says, results in a "comprehensive medico-legal investigation."

He explains that "without the psychological inquiry, there is a real loss in the biological investigation."

For example, after the infamous Sharon Tate murders, Noguchi issued a "psychogram" of the killers—based on evidence found at the scene of the crime—which suggested there was a mastermind behind the killings. Other work in psychology has enabled Dr. Noguchi to maintain a close working relationship with the Suicide

Prevention Center.

Dr. Noguchi expressed the views of many when he summed up the function of the modern coroner in this way:

"The modern coroner should be an early-warning system for the community; he should speak out for the people whenever he sees that the quality of life is being diminished. And he is usually one of the first to see it, if he's looking."

"The real essence of forensic medicine should be to improve the quality of life. The modern coroner should be life-oriented, not death-oriented."

## Improving the Quality of Service

If, as death investigation professionals indicate, proximity to those served is a key feature of successful medical examiner programs, the issue of quality service comes to the fore. The major challenge arises in the rural counties that have limited or no access to forensic pathologists and large university medical centers.

While no reliable nationwide statistical data are available, an informal NACo survey revealed that persons holding positions of mayor, councilperson, civil defense director, and in one case registrar of voters also serve as county coroners.

### TRAINING PARAPROFESSIONALS

Efforts are under way in some areas to train medical examiners, medico-legal paraprofessionals, and medico-legal investigators as steps in providing a higher quality of medical examiner services. One such program is located within the University of New Mexico School of Medicine. It aims at enlarging the role of the lay investigator and paraprofessional in the medico-legal field.

Deputy medical investigators are trained to be the "eyes and ears" of the medical investigator. These paraprofessionals are primarily responsible for determining the *circumstances*

of a given death and reporting their findings in a standardized format to the medical investigator who will then explore the question of who or what actually caused the death.

Indeed, paraprofessional training may be the answer to counties facing service and funding crunches. By performing much of the routine work associated with death investigation, deputy investigators free police and pathologists time for substantive investigative work.

The paraprofessional method has been upheld twice by New Mexico courts, paving the way for its adoption in other states. Twenty-eight to thirty-five states are already represented at the University of New Mexico's annual training program, and the numbers continue to grow as more and more medical examiner/coroner offices establish working relationships with university medical schools across the country.

### UPGRADING STANDARDS

A growing number of counties have also strengthened the qualification requirements of the office of coroner. Others have abandoned the coroner's office altogether in lieu of a medical examiner system.

In Missouri, for example, counties have the option of substituting an appointed county medical examiner for an elected county coroner. The medical examiner is appointed by the county boards and certified by the state medical examiner board. Change in that state was prompted in part by the growing concern of county officials about governmental liability.

Tony Hiesberger, the executive director of Missouri Association of Counties, described the impetus for improvement in that state. "In some cases," he said, "people who are coroners don't want to be on the firing line. And if you don't have a professional looking at the body, you're taking chances in the criminal justice system."

### PUBLIC EDUCATION

Improvements like these do not come about overnight. Counties wishing to try new programs in the area of death investigation may find themselves plagued by low public visibility, an uninformed public, and an attitude of disbelief on the part of elected officials.

As a result, some counties have recently adopted programs to increase public understanding of the coroner's function. For example, Fulton County has adopted a program of ongoing public education designed to enhance the community's awareness and support of the medical examiner's office. Over 600 people in schools, medical groups, civic organizations, and county government have toured the death investigation facilities.

The program "helps people who may still be apprehensive about autopsies to understand what we have to do and why," says John Cameron, chief investigator/medical examiner officer for Fulton County.

### NACo POLICY

The county coroner/medical examiner, where appropriate, aside from determining the cause and manner of death has responsibility for protecting the living through the performance of medico-legal investigations and by sharing information and research in traffic safety, environmental health, product safety, occupational safety and public health. The county coroner/medical examiner, therefore, should be an integral partner in the community planning process and in the development of public health policies.

## States Offer Aid to Upgrade Profession

Continued from page 5

Commission under the State Division of Health. The commission divided the state into 22 districts of at least one county each and appointed medical examiners to serve in each. The position of county coroner was abolished.

Medical examiners obtain lab services on a contractual basis from forensic labs within their own or another county or from the state crime lab. Although the services of the state lab are provided without fee, counties often prefer to contract for other means of assistance to avoid delay in obtaining lab results.

The state provides from 25 percent to 33 percent of the funds for medical examiner programs. The money is accompanied by a general mandate to provide medical examiner services, but the state does not dictate how those services must be provided. This feature, says Dr. Wright, the Dade County medical examiner, is the key to the program's effectiveness.

He says that the program is cost-efficient because it is close to the community being served. "The problem with centralized systems is the lack of local input into problems and operations. The system can easily become an overwhelming bureaucracy, then the bureaucracy—not the services—becomes predominant."

Georgia also has a centralized system, under which the director of the State Department of Public Health appoints a medical examiner to work with county coroners who are elected in each county. Lab work is done at the state crime lab in Atlanta.

Fulton County split from the state system in 1959, followed by two neighboring counties, De Kalb and Cobb. All three counties maintain their own medical examiners, but other services are shared. For example, Fulton County employs forensic pathologists who perform autopsies for the three county areas and supplements their expertise with a continuing education program. Each county maintains a local crime lab.

John Cameron, chief investigator for the Fulton County medical examiner's office, attributes much of their success to local autonomy, readily available facilities, and intercounty cooperation.

### Statewide Programs

Thirteen states have adopted a statewide medical examiner system. Under this model a Medical Examiner Commission appoints a state medical examiner. Medical examiners may be spread throughout the state according to districts or counties and appointed by either the state commission or medical examiner. In some cases, the position of county coroner is retained as well. Counties are usually not represented on the state medical examiner commission.

New Mexico is one state that exemplifies the

statewide model. The state medical examiner is selected by representatives from the State Police Department, State Health Department, and Dean of the University of New Mexico Medical School. Representatives from county boards, law enforcement officials and local pathologists or physicians form a committee to select their county medical examiner.

Phillip Larragite, executive director of the New Mexico Association of Counties, describes the change as "tremendous." He says that the statewide system was absolutely necessary in his state which has only one urban county, because services were beyond the financial reach of most counties.

Dr. James Weston, medical investigator and professor of pathology at the University of New Mexico, agrees. "This particular system," he says, "is ideal for the population density and geography of the state."

### QUALIFICATION AND SELECTION CORONERS/MEDICAL EXAMINERS

By State Structure  
(As of January 31, 1977)

STRUCTURE	No.	QUALIFICATIONS			SELECTION	
		Medical Degree	Not Required	Appointed	Appointed or Elected	Elected
Statewide	13	13	-	13	-	-
Multi-level	10	10	-	4	6	-
County-based	27	13	14	7	10	10

\*Source: *Death Analysis of Laws and Policies of the United States, Each State and Jurisdiction*, Department of HEW, Public Health Service, Health Services Administration, 1978. DHEW Publication No. (HSA) 78-5252.



# President's Program Speeds through Congress

Continued from page 1

The Department of Energy has called on county officials to continue strict energy conservation measures. A DOE spokesman said the cutoff of Iranian oil accounts for about 10 percent of the nation's oil use. "The cutoff won't affect us for about three months. We can avoid the long gas lines and energy related problems if we plan ahead and continue conserving," said the official.

Administration's request or the House-passed version. Because of exemptions granted to certain categories of oil, the Senate Finance Committee proposal would only raise approximately \$138.4 billion between 1980 and 1990.

In addition, the proposal contains no funds for a synthetic fuels program and establishes two trust funds within the Energy Security Trust Fund.

The first trust fund would allocate

50 percent of the revenues, up to a ceiling of \$69 billion, for low-income assistance; the second would earmark 25 percent of the revenues, up to a ceiling of \$15 billion, for public transportation. The bulk of the remaining revenues would go to business and residential energy conservation tax credits.

Conference action is likely to center on three items: the level of the tax, the conservation tax credits and the use of the trust fund.

## ENERGY MOBILIZATION BOARD

Both House and Senate have passed versions of the Energy Mobilization Board, whose purpose is to expedite construction of priority energy projects. The Senate proposal is virtually identical to the original Administration proposal, while the House version differs somewhat.

A major issue in the conference committee will be the House provision which would allow for the waiver of federal requirements in order to expedite construction. The Senate version allows waivers only for requirements passed after construction of a project has begun. In addition, any waiver under the House bill, whether of an existing or new requirement, requires the approval of both Houses.

Another major difference involves the enforcement mechanism. The House would allow the board to make a decision for a state or local agency which had missed a project deadline; the Senate has a similar provision, except that a hearing is not required and court enforcement is allowed as an option. These points, and the scope of judicial review, will be the main focus for the conference committee.

Considering the continued pressure for rapid action on this proposal, the committee is expected to complete its work soon.

## SYNTHETIC FUELS/ENERGY SECURITY CORPORATION

The House and Senate are farthest apart on this part of the President's plan. The House acted first by adopting an amendment to the Defense Production Act offered by Rep. William Moorhead (D-Pa.). The Moorhead bill guaranteed that the Department of Defense would purchase, at world market prices, any synthetic oil produced. The bill provided \$3 billion for this purpose.

The Senate Banking Committee approved a similar proposal which was offered, and defeated, as a substitute for the Senate Energy Committee bill. That bill, ultimately approved by the full Senate, is considerably more moderate than the \$88 billion originally requested by the Administration, and contains a \$20 billion synthetic fuels program.

Amendments on the floor increased the conservation portion to \$14 billion. Most of this additional revenue, \$5.6 billion, is reserved for the development of gasohol. The bill also authorizes \$3.35 billion in energy conservation loans for homeowners and \$2.4 billion in grants for weatherizing low- and moderate-income housing. In addition, the bill establishes a Solar Bank, \$750 million, for homeowners and small businesses to install solar equipment.

The \$20 billion earmarked for synthetic fuels is to go toward achieving a goal of 1.5 million barrels of oil-equivalent fuel a day by 1995. The money could also be used to build three government-owned, contractor-operated synthetic fuels plant.

The final major difference involves the establishment of a Synthetic Fuels Corporation. Although such an entity was approved by the Senate and requested by the President, the House has not approved it and there is considerable opposition to the concept of government control of fuel production. Conference consideration of this issue may be prolonged.

## ENERGY IMPACT ASSISTANCE

Although this is not a new proposal, the Administration reiterated its support for the concept of assistance to communities experiencing skyrocketing population increase due to energy development, the "boom-

town" problem. The President supported increased fiscal '80 funding for the existing energy impact program, run by the Farmers Home Administration (FmHA), from \$20 million to \$75 million.

During the appropriations process, however, the House subcommittee on Interior Appropriations approved no funds for the program. The Senate approved the full \$120 million.

House conferees, led by Rep. Sidney Yates (D-Ill.), would agree to only \$50 million for the fiscal '80 program, and due to lack of time, the Conference Committee agreed to this figure. While this is less than had been hoped for, it still represents an increase of 150 percent over fiscal '79 funding.

Sens. Wendell Ford (D-Ky.), Gary Hart (D-Colo.) and John Glenn (D-Ohio) had been working with NACo and other government groups to develop an amendment on energy impact assistance which would expand the areas eligible for assistance, expand the scope of activities for which the funds could be used, and increase the funding for the program. The amendment was withdrawn when sponsors received assurances that it would be considered next year by the Energy and Natural Resources Committee.

It is anticipated that the Senate could complete consideration before the end of this session. House action is not expected until after the first of the year.

## LOCAL ENERGY MANAGEMENT

A major part of the President's speech in Kansas City was a challenge to counties. The President urged county officials to "go beyond attempts to convince people that the energy crisis is real," and to develop conservation efforts of our own. Many counties have answered the call and more are joining daily.

Congress is considering a number of legislative proposals which would help counties meet this challenge. Three proposals in particular are under consideration: the Energy Management Partnership Act (EMPA), the Local Energy Management Act (LEMA) and the Community Energy Efficiency Act (EEA).

The EMPA proposal is designed primarily to consolidate existing state conservation activities and add an element for state planning. There is a role for local governments in developing the state plan and in implementation.

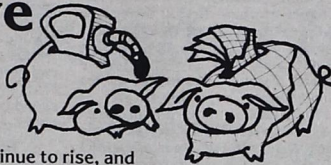
The Local Energy Management Act (LEMA) establishes a national reference center for local governments interested in energy conservation and use of renewable resources. The proposal also provides for demonstration grants and the transfer of information among localities. In one proposal, drafted by Sen. Paul Tsongas (D-Mass.), the EMPA and LEMA proposals have been combined. Final action on these proposals is no longer expected this session.

The third proposal, EEA, also sponsored by Sen. Tsongas, incorporates most of the elements of LEMA but greatly expands the funding. It is anticipated that this proposal will be combined with the other two and considered as one proposal early next session.

What will be acted upon this session is an amendment to the Department of Energy authorization bill which would establish the Local Energy Reference Center and the information transfer function of the Local Energy Management Act. The House has already adopted this amendment and NACo is working for a Senate sponsor.

—Mark Croke

## 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 Research, Inc. is sponsoring two 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:

December 10-12  
Columbus, Ohio  
(Note date change)

December 17-19  
Denver, Colorado

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

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 \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_  
Zip \_\_\_\_\_  
Telephone \_\_\_\_\_  
(Area Code) \_\_\_\_\_

### HOUSING FORM

Name \_\_\_\_\_  
Co-occupant \_\_\_\_\_  
Special Hotel Requests \_\_\_\_\_  
Credit Card Name \_\_\_\_\_  
Credit Card No. \_\_\_\_\_ Expiration Date \_\_\_\_\_  
Authorized user's signature \_\_\_\_\_  
Arrival Date/Time \_\_\_\_\_ Departure Date/Time \_\_\_\_\_

☐ Check here if you have a housing-related disability.

☐ Columbus, Ohio  
December 10-12  
Hilton East  
Single \$34, Double/Twin \$40

☐ Denver, Colorado  
December 17-19  
Stouffer's Denver Inn  
Single \$42, Double/Twin \$49

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: NACo 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 NACo County Energy Management Project, 202/785-9577.



# Washington Briefs

## Criminal Justice

**LEAA Reauthorization.** House and Senate conferees reported the bill to reauthorize the Law Enforcement Assistance Administration Nov. 8. The legislation makes counties, cities and combinations of 100,000 or more population eligible for entitlement status, if they would receive an allocation of at least \$50,000 in any year.

## Community Development

**Economic Development Reauthorization.** House passed H.R. 2063, the National Public Works and Economic Development Act of 1979, 301 to 99 Nov. 14. The bill extends the EDA program for three years, and expands eligibility as supported by NACO. It also extended the Appalachian Regional Commission and other multistate commissions; provides a greatly expanded development financing program for private business development and establishes a \$2 billion standby local public works program if unemployment reaches 6.5 percent. The Senate has passed S. 914, a four-year reauthorization bill which expands EDA programs, but limits eligibility for them. A conference is not expected until after Thanksgiving.

## Employment

**Labor/HEW Appropriations.** A continuing resolution, H.J. Res. 440, which would fund Labor/HEW, Defense, Interior, military construction and transportation programs through the remainder of fiscal '80, passed the House Nov. 13. Current resolution runs out Nov. 20. The House version, which passed on a voice vote, still contains restrictive abortion language. The resolution

funds Labor/HEW at the fiscal '80 level of \$72.5 billion. At press time, Senate passed 80-10 its version with less restrictive abortion language. A compromise version expected by Nov. 20.

## Energy

**Energy Legislation.** A roundup on congressional action on national energy legislation begins on page 1.

## Health

**Hospital Cost Containment.** H.R. 2626, imposing mandatory controls if a voluntary program fails, scheduled for vote on House floor at press time. In the Senate, Sen. Herman Talmadge's cost containment bill, part of the Medicare/Medicaid Reform Act which contains provisions for cost containment under Medicare/Medicaid only, was ordered reported by Senate Finance, S. 570, the Administration bill, voted out of the Senate Labor and Human Resources Committee in June, is expected to be introduced by Sen. Gaylord Nelson (D-Wis.) as a substitute to the Talmadge cost containment provision on the Senate floor.

**Mental Health Systems Act.** Senate Labor and Human Resources health subcommittee concluded markup of staff draft of S. 1177, Administration's bill sponsored by Sen. Edward Kennedy (D-Mass.) to provide more flexibility in delivery of services and support of community-based mental health programs. Full committee markup not yet scheduled. House Interstate and Foreign Commerce health and environment subcommittee markup of H.R. 4156 not yet scheduled.

**Medicare Amendments.** H.R. 3990, 4000, et. al, containing miscellaneous

provisions, including NACO-supported amendments to extend coverage in home health care reported by House Ways and Means Committee. Markup under way at press time in House Commerce health subcommittee.

## Labor Relations

**Social Security Disability Insurance/Deposit Payments.** House has passed H.R. 3236, the Disability Insurance Amendments of 1979; the Senate Finance Committee Nov. 8 amended and reported out its version of H.R. 3236. Both bills would cap the Social Security disability benefits allowed and reduce the number of dropout years. Sen. Gaylord Nelson (D-Wis.) has added an amendment to H.R. 3236 which would require state and local governments to remit Social Security payments they have collected to the federal treasury 30 days after the end of each month. This amendment is stricter than current policy, but more flexible than that proposed by HEW. The bill as amended awaits Senate floor action.

**Public Liability.** On Nov. 6, Sen. Charles Mathias (R-Md.) introduced a bill, S. 1983, which sets the parameters for bringing suit against states and units of local governments. The bill, also known as the Civil Rights Improvement Act of 1979, defines counties as "persons" and reinforces citizens' rights to sue individual elected and appointed officials and the governments themselves for damages. The right to sue local governments has been established by the 1978 Supreme Court decision, *Monell vs. the New York City Board of Social Services*. This bill, which further clarifies and limits local and state government liability, has been referred to the Senate Judiciary Committee.

## Land Use/ Growth Management

**Agricultural Land Protection Act.** H.R. 2551 was reported by the House Agriculture Committee with the recommendation that it be approved by the House. See story page 1.

**Interior Appropriations Bill.** Congressional floor action on the conference is complete; report awaits President's signature. House-Senate conferees agreed to \$300 million for the state and local portion of the Land and Water Conservation Fund, and \$125 million for the Urban Park and Recreation Recovery Act.

## Home Rule

**Grant Reform.** S. 878/H.R. 4504 and S. 904 would streamline the grants-in-aid system and provide a procedure for grant consolidation. It is expected that markup will take place within the next two weeks. Both S. 878 and S. 904 will be combined into one bill and reported to the full committee. NACO anticipates that the measure will be voted on the Senate floor before the December recess. No House action is scheduled.

**Sunset.** Hearings have been held on sunset measures S. 2, H.R. 2 in both the Houses. The Congress is growing concerned that implementation of a sunset measure would be costly and difficult. Both bills require automatic termination of programs which have not been reviewed. Rep. Gillis Long (D-La.) is expected to introduce a new bill which would not require automatic termination of federal programs, but would require the congressional committees to develop agendas of federal programs for review.

## Taxation and Finance

**General Revenue Sharing.** The Administration is holding to its decision to submit renewal legislation along with its January budget message. Main issues center on the state's share, formula alternatives, funding levels, and the possible inclusion of a countercyclical title. NACO's First Vice President Roy Orr of Dallas County, Texas testified in the Senate last week about revenue sharing renewal.

**Countercyclical Fiscal Assistance.** The House subcommittee on intergovernmental relations is finally looking at the Senate-passed countercyclical bill, S. 566, preparing to draft a bill of its own. The Senate

version includes both targeted assistance and countercyclical provisions. The House version, countercyclical only, favors the decline in real wages and salaries as its data trigger. House subcommittee is expected to move quickly once hearings are held on the bill, which could occur soon after Thanksgiving.

**Tax Exempt Mortgage Bonds.** Final vote in House Ways and Means Committee has been delayed on a bill that would prohibit state and local governments from issuing single family mortgage bonds. The issue now dividing members is whether not to give individuals a tax break on interest in savings accounts to compensate for the restricted use of revenue bonds as a home finance tool. The tax break issue was presented as a substitute for a committee bill and is now being incorporated into compromise legislation. Final vote is expected soon.

## Welfare/Social Services

**Welfare Reform.** House passed H.R. 4904, Social Welfare Reform Amendments of 1979 Nov. 7. Senate not expected to take up bill until early 1980. Senate Finance Committee conducted a hearing Nov. 16 on AFDC fraud and abuse, quality control, and implementation of the Michel amendment relating to employment reduction.

**Social Services and Child Welfare.** Senate-passed version of H.R. 344 must be resolved in conference. It is likely that conferees will meet prior to House adjournment on Dec. 14.

**Low-Income Energy Assistance.** Congress has approved appropriations for 1980 assistance (see story page 3). At press time, Senate is waiting on authorizing legislation. In other action, Senate and House committees continued to work on H.R. 1724 and H.R. 3919. S. 1724, introduced by Sen. Harrison Williams (D-N.J.), is a general revenue aimed at reducing home heating costs. H.R. 3919, The Crude Oil Tax Bill, is similar in intent, but is tied to the President's windfall profit tax on oil.

# Matter and Measure

## COMMENTS SOUGHT ON HIGHWAY SAFETY POLICY

The Federal Highway Administration (FHWA) is seeking county comments on safety policy for federal-aid highways. FHWA's notice was published in the October 25 *Federal Register*. Please send your comments to Marlene Glassman, NACO Transportation Project Director, by Dec. 19. Marlene can also provide copies of the *Federal Register*.

- FHWA is especially seeking comments on the following questions:
- Should FHWA identify the features and devices to be included in a highway safety upgrading program?
  - If such features and devices are identified, would a safety needs study based on these requirements be useful?
  - Are there funding alternatives that would accelerate the upgrading process?
  - Should FHWA establish national goals for upgrading of high priority sections?
  - How best can performance reviews and accident data be used to upgrade safety?
  - What criteria should be used in selecting high priority sections?

## BACKGROUND

During 1978, teams of FHWA region and division officials and state personnel reviewed each state's compliance with the publication, *Highway Design and Operational Practices Relating to Highway Safety* (the "Yellow Book").

A task force of FHWA headquarters and National Transportation Safety Board representatives issued its safety review report in December 1978. The report concludes that, generally, states are following recommendations of the "Yellow Book" on recently constructed projects. However, FHWA states that "the report further points to the fact that the general safety upgrading of all highways, especially those not on the interstate system, has been severely limited either by the lack of financial resources or by funding priorities. ... Review findings indicate there are numerous hazards needing correction on noninterstate federal-aid highways."

Non-interstate routes are the site of 90 percent of fatal accidents on the entire federal-aid system. According to FHWA, "Because it will be virtually impossible to provide the resources to upgrade the entire system, some rational approach must be developed to establish a safety upgrading program for the federal-aid system."

Because FHWA's Implementation Task Force determined that FHWA had insufficient information on which to establish a policy for accelerating safety upgrading of all federal-aid highways, FHWA is seeking your comments. For more information, contact: James L. Rummel, FHWA Office of Highway Safety, 400 Seventh Street S.W., Washington, D.C. 20590, 202/426-2131.



# DOT Issues Age Bias Regs

The Department of Transportation has issued proposed regulations providing that no person should be discriminated against on the basis of age under any program receiving DOT financial assistance.

The regulations were issued in accordance with the Age Discrimination in Employment Act of 1975, which protects persons between the ages of 40 and 70 from discrimination in most phases of employment, and general regulations of the Department of Health, Education and Welfare, which apply to the entire federal government.

DOT's regulations were published as a notice of proposed rulemaking in the Oct. 22 *Federal Register*. Copies of the proposal are available from Marlene Glassman, transportation project director, and comments should be sent to her by Jan. 10, so that NACO can respond to DOT.

## SOME EXEMPTIONS

The Age Discrimination Act and DOT's proposed regulations do not apply to:

- An age distinction contained in federal, state or local statute or ordinance adopted by an elected, general purpose legislative body. It was because of NACO's efforts that these proposed regulations and other

federal agency regulations implementing the Age Discrimination Act do not apply to age distinctions contained in local statute or ordinance;

- Any employment practice of any employer, employment agency, labor organization or any labor-management joint apprenticeship training program, except for programs or activities receiving federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974.

A recipient is also permitted to use age distinctions when "necessary to the normal operation or objective of the program." In such cases, the recipient assumes the burden of proof.

According to DOT, special benefits, such as reduced public transportation fares for children and the elderly may be continued. Recipients may also provide special benefits to various age groups, provided they do not result in exclusion of other eligible persons from the recipient's general program.

## KEY POINTS

Those wanting to comment on the regulations should be aware of the following provisions:

- DOT must provide written notice

to each recipient of obligations under the Age Discrimination Act;

- DOT must provide technical assistance, where necessary, to recipients to aid them with compliance;

• Within 30 months after the regulations go into effect, DOT will publish a notice in the *Federal Register* inviting comment on the effectiveness of the regulations;

- Each recipient and subrecipient employing the equivalent of 15 or more full-time employees must complete a written self-evaluation of compliance within 18 months after the regulations go into effect, justifying each age distinction it imposes;

• DOT may conduct compliance reviews and pre-award reviews in the absence of complaints against recipients.

In addition, any person may file a complaint with DOT, alleging discrimination. Within 14 days, DOT will investigate complaints and attempt to resolve them. If DOT cannot resolve the complaint through informal investigation, it will develop formal findings.

For more information on DOT proposal, contact: Leslie Babin, Office of Environment and Statistics (P-20), U.S. Department of Transportation, Washington, D.C. 20590, 426-4388.