

ACIR State Legislative Program

A Guide

ACIR State Legislative Program

A Guide

November 1975
Advisory Commission on Intergovernmental Relations
Washington, D.C. 20575
(202) 382-2114

M-91

ACKNOWLEDGMENT

This new edition of ACIR's *State Legislative Program* has been developed by the staff with the help of the Joint Center for Environmental and Urban Problems of Florida Atlantic University and Florida International University, Dr. John M. DeGrove, director. Other members of the joint center's team were Robert N. Alcock, William G. Colman, Robert M. Rhodes, and James Tait.

The following persons served diligently on a panel which reviewed each proposal: Richard Carlson, director of research, Council of State Governments; Honorable Charles A. Docter, Maryland House of Delegates; Marcus Halbrook, director, Arkansas Legislative Council; David Johnston, director, Ohio Legislative Service Commission; William J. Pierce, executive director, National Conference of Commissioners on Uniform State Laws; Bonnie Reese, executive secretary, Wisconsin Joint Legislative Council; Honorable Karl Snow, Utah State Senator; and Troy R. Westmeyer, director, New York Legislative Commission on Expenditure Review.

The suggested legislation was also circulated in draft form to the following national organizations for review and comment:

- Council of State Governments
- International City Management Association
- National Association of Counties
- National Conference of State Legislatures
- National Governors' Conference
- National League of Cities
- U.S. Conference of Mayors

The Commission acknowledges the financial assistance of the U.S. Department of Housing and Urban Development in updating and publishing this new edition of the *ACIR State Legislative Program*.

The Commission is grateful to all who helped to produce this volume, but the Commission alone takes responsibility for the policies expressed herein and any errors of commission or omission in the draftsmanship.

Wayne F. Anderson
Executive Director

PREFACE

This new edition of ACIR's *State Legislative Program* is presented as a reference for state legislators, state legislative service agencies, and others interested in strengthening the legislative framework of intergovernmental relations. The *State Legislative Program* has been divided into ten parts, by subject matter.

Each part of the program has been published separately to facilitate both distribution and use. Each of these ten separate booklets contains, in addition to suggested legislation, a foreword which (1) briefly describes ACIR's legislative program and how it is developed, (2) describes how to use the suggested legislation, and (3) offers ACIR assistance to its users. It is noted that:

- suggested state legislation should seldom be enacted without first being tailored to the specific state for which it is intended;
- reasoned choices should be made among the various alternatives and optional provisions in the draft bills; and
- enactment of only part of a draft bill should be undertaken cautiously to avoid omission of essential interrelated provisions.

These points are explained more fully in the foreword to each booklet.

This guide is provided as an easy reference to the full table of contents of all ten booklets — listing every item of suggested legislation. An order blank is included to facilitate the ordering of any or all booklets which may be of interest.

The Advisory Commission on Intergovernmental Relations was established by Public Law 380, passed by the first session of the 86th Congress and approved by the President September 24, 1959. Section 2 of the act sets forth the following declaration of purpose and specific responsibilities for the Commission:

Section 2. Because the complexity of modern life intensifies the need in a federal form of government for the fullest cooperation and coordination of activities between the levels of government, and because population growth and scientific developments portend an increasingly complex society in future years, it is essential that an appropriate agency be established to give continuing attention to intergovernmental problems.

It is intended that the Commission, in the performance of its duties, will

(1) bring together representatives of the Federal, state, and local governments for the consideration of common problems;

(2) provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation;

(3) give critical attention to the conditions and controls involved in the administration of Federal grant programs;

(4) make available technical assistance to the executive and legislative branches of the Federal government in the review of proposed legislation to determine its overall effect on the federal system;

(5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation;

(6) recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and

(7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

Pursuant to these responsibilities, the Commission chooses for study and recommendation particular problems which, if ameliorated, would enhance cooperation among the different levels of government and thereby improve the effectiveness of the federal system of government as established by the Constitution. The Commission has adopted a number of policy reports dealing with state and local government modernization, finances, and functional activities. The recommendations to the states on these matters have been translated into legislative language for consideration by the state legislatures. The resulting bills make up the *ACIR State Legislative Program*.

Robert E. Merriam
Chairman

A GUIDE

Table of Contents

PART I – STATE GOVERNMENT STRUCTURE AND PROCESSES

Introduction	10
1.1 Legislative Branch	13
1.101 Legislative Apportionment Procedure	14
1.102 Removal of Constitutional Restrictions on Legislative Sessions and Compensation	18
1.103 Year-Round Professional Staffing of Major State Legislative Standing Committees	21
1.2 Executive Branch	23
1.201 Constitutional Provision for Short Ballot for State Officials	24
1.202 Authorization for Gubernatorial Selfsuccession	26
1.203 Reorganization of the State Executive Branch ...	28
1.204 Strong Executive Budget	30
1.3 Relations with Federal and Local Governments	38
1.301 Constitutional Barriers to Intergovernmental Cooperation	39
1.302 State Legislative Contact with Congress	41
1.303 State Advisory Commission on Intergovernmental Relations	43
1.304 State Technical Assistance for Local Governments	49

PART II – LOCAL GOVERNMENT MODERNIZATION

Introduction	11
2.1 Formation, Boundaries, and Dissolution	15
2.101 Local Government Creation, Dissolution, and Boundary Adjustments	16
2.102 Local Government Consolidation	45

- 2.2 Organization and Functions 54**
 - 2.201 Home Rule Powers of Local Governments 55
 - 2.202 Optional Forms of Municipal Government 57
 - 2.203 County Modernization 66
 - 2.204 Interlocal Contracting and Joint Enterprise 88
 - 2.205 Transfer of Functions between Municipalities
and Counties 97
 - 2.206 Neighborhood Subunits of Government 108
 - 2.207 Supervision of Special Districts 114
- 2.3 Areawide Units 118**
 - 2.301 Statewide Substate Districting Act 119
 - 2.302 Umbrella Multijurisdictional Organization
for Specific Metropolitan or Multicounty
Areas 133
 - 2.303 Umbrella Multijurisdictional Organizations
for Interstate Areas 149
 - 2.304 Regional Service Corporation 165
 - 2.305 Regional Home Rule Charters 179
 - 2.306 Regional Government Study Commissions 187

PART III – STATE AND LOCAL REVENUES

- Introduction 10**

- 3.1 Property Taxes 13**
 - 3.101 Repeal or Modification of Constitutional and
Statutory Restrictions on Local Taxing Powers . 14
 - 3.102 Real Estate Transfer Tax 17
 - 3.103 Property Tax Organization and Administration . 20
 - 3.104 State Assumption of Property Tax
Assessment Function 29
 - 3.105 Assessment Notification, Review, and Appeal
Procedure 34
 - 3.106 Property Tax Relief for Overburdened
Families 41
 - 3.107 Property Tax Relief on Business Inventories and
Reimbursement to Local Governments 49

3.2 Non-Property Taxes and Other Revenues	53
3.201 Uniform Personal Income Tax Statute	54
3.202 State Broad Based Sales Tax	104
3.203 Authorization for a Local Income Tax	126
3.204 Authorization for a Local Sales Tax	130
3.205 State Assistance in Local User Charge Formulation and Administration	133
3.206 Taxation of Interstate Firms Physical Presence Rules	136
3.207 State Revenue Sharing	140

PART IV – FISCAL AND PERSONNEL MANAGEMENT

Introduction	10
4.1 Fiscal Management	13
4.101 State Study Committee on Local Fiscal Management	14
4.102 State Intervention in Local Government Financial Emergencies	17
4.103 Improved and Standardized Accounting, Auditing, and Reporting	21
4.104 State Constitutional Restrictions on Local Borrowing Powers	24
4.105 State Assistance to Local Debt Management	26
4.106 Removal of Constitutional Restrictions on State Borrowing	32
4.107 State Assistance in Local Tax Enforcement	34
4.108 Exchange of Tax Records and Information	36
4.109 State Aid Administration	38
4.110 Investment of Idle Funds	43
4.111 Pooled Insurance	48
4.112 Citizen Participation in the Budget Process	52
4.2 Personnel Management	54
4.201 Local Government Personnel Administration	55
4.202 State Review and Assistance in Local Retirement Systems	60
4.203 Transferability of Public Employee Retirement Rights	63

4.204	State Public Labor-Management Relations Act	72
4.205	Internal Conduct of Public Employee Organizations	102
4.206	State Mandating of Local Employment Conditions	107

PART V – ENVIRONMENT, LAND USE, AND GROWTH POLICY

Introduction	10
-------------------------------	-----------

5.1 State Growth Policy 13

5.101	State Planning and Growth Management Act . . .	14
5.102	Joint Legislative Committee on State Planning . .	27
5.103	State and Local Land Development Corporations	30
5.104	State Loans to Promote Urban Growth Policies. .	42
5.105	Local Industrial Development Bonds	50
5.106	Preferential Procurement Practices to Further State Development Policies	57
5.107	Urban Employment Tax Incentives	60

5.2 Land Use and Environmental Planning and Regulations 66

5.201	Control of Urban Water Supply and Sewerage Systems	67
5.202	Local Planning, Zoning, and Subdivision Regulation	91
5.203	State Highway Interchange Planning Districts	106
5.204	Official Map	114
5.205	Planned Unit Development	120
5.206	Mandatory Dedication of Park and School Sites (Including Payments-in-Lieu)	137
5.207	Legislative Jurisdiction over Federal Lands within the States	142

PART VI – HOUSING AND COMMUNITY DEVELOPMENT

Introduction	10
6.1 Program Operations and Assistance	13
6.101 State Department of Community Affairs	14
6.102 State Urban Development Corporation	23
6.103 State Housing Finance Agency	36
6.104 State Assistance for Rehabilitation of Private Housing	56
6.105 Uniform Relocation Assistance	64
6.106 State Financial Assistance and Channelization of Federal Grant Programs for Urban Development	72
6.107 Private Enterprise Involvement in Urban Affairs	77
6.108 Local Community Development and Housing Powers	78
6.109 New Community District Act	107
6.110 Conditional Property Tax Deferment for New Community Development	124
6.2 Fair Housing	128
6.201 State Comprehensive Fair Housing Act	129
6.202 Regional Fair Share Housing Allocations	137
6.3 Building Regulation	145
Introduction	146
6.301 State Building Code Act	147
6.302 Manufactured Building Act	158
6.303 Mobile Home Act	171
6.304 State Assistance to Local Government for Building Inspection	182
6.305 Registration of Building Code Enforcement Officers	189

PART VII – TRANSPORTATION

Introduction	11
7.001 State Department of Transportation	13

7.002	Regional Transportation Planning Act	23
7.003	Establishment of Regional Transportation Authorities	30
7.004	Authorization of Local Government Transportation Activities	36
7.005	State Fiscal and Operating Roles in Transportation	40

PART VIII – HEALTH

Introduction	11	
8.001	Health Maintenance Organization Act (Policy Statement Only)	13
8.002	State Equalization of Minimum Programs for Health and Hospitals	19

PART IX – EDUCATION

Introduction	10	
9.001	State Financing of Public Elementary and Secondary Schools	13
9.002	Areawide Tax Base for School Financing	23
9.003	Districts for Specialized Educational Facilities	42
9.004	Areawide Vocational Education and Manpower Programs	47
9.005	Educational Accountability and Remedial Assistance	60

PART X – CRIMINAL JUSTICE

Introduction	10	
10.1 Police	13	
10.101	Department of State Police	14
10.102	Upgrading Police Personnel Practices	24
10.103	Municipal-County-Metropolitan Relationships in Law Enforcement	29
10.104	Governmental Tort Liability for Law Enforcement Actions	41

10.2 Courts	47
10.201 Judicial Constitutional Article	48
10.202 Omnibus Judicial Act	51
10.203 Uniform Jury Selection and Service Act	68
10.204 Omnibus Prosecution Act	80
10.205 Public Defender Act	85
10.3 Corrections and Legislative Oversight	97
10.301 Omnibus Corrections Act	98
10.302 Legislative Committee Responsibility for Improvement of Law Enforcement and Criminal Justice	120

(Cut along this line.)

ORDER FORM

Please send me the following parts of the
1975 edition of the
ACIR State Legislative Program.

- Part I — State Government Structure and Processes
- Part II — Local Government Modernization
- Part III — State and Local Revenues
- Part IV — Fiscal and Personnel Management
- Part V — Environment, Land Use, and Growth Policy
- Part VI — Housing and Community Development
- Part VII — Transportation
- Part VIII — Health
- Part IX — Education
- Part X — Criminal Justice

Name _____
 Title _____
 Organization _____
 Address _____
 City _____ State _____ ZIP _____

Mail to:

Advisory Commission on Intergovernmental
 Relations
 Legislative Program Publication Request
 726 Jackson Place, N.W.
 Washington, D.C. 20575

(Cut along this line.)

COMMISSION MEMBERS

PRIVATE CITIZENS

Robert E. Merriam, Chairman, Chicago, Illinois
Robert H. Finch, Los Angeles, California
John H. Altorfer, Peoria, Illinois

MEMBERS OF THE UNITED STATES SENATE

Ernest F. Hollings, South Carolina
Edmund S. Muskie, Maine
William V. Roth, Delaware

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

L. H. Fountain, North Carolina
Clarence J. Brown, Jr., Ohio
James C. Corman, California

OFFICERS OF THE EXECUTIVE BRANCH, FEDERAL GOVERNMENT

James M. Cannon, Assistant to the President for Domestic Affairs
James T. Lynn, Office of Management and Budget
Vacancy

GOVERNORS

Richard F. Kneip, South Dakota
Daniel J. Evans, Washington
Robert D. Ray, Iowa
Philip W. Noel, Rhode Island

MAYORS

Richard G. Lugar, Vice Chairman, Indianapolis, Indiana
Jack D. Maltester, San Leandro, California
John H. Poelker, St. Louis, Missouri
Vacancy

STATE LEGISLATIVE LEADERS

John H. Briscoe, Speaker, Maryland House of Delegates
Robert P. Knowles, Senator, Wisconsin
Charles F. Kurfess, Minority Leader, Ohio House of Representatives

ELECTED COUNTY OFFICIALS

Conrad M. Fowler, Shelby County, Alabama
John H. Brewer, Kent County, Michigan
William E. Dunn, Salt Lake County, Utah

what is acir?

The Advisory Commission on Intergovernmental Relations (ACIR) was created by the Congress in 1959 to monitor the operation of the American federal system and to recommend improvements. ACIR is a permanent national bipartisan body representing the executive and legislative branches of Federal, state, and local government and the public.

The Commission is composed of 26 members — nine representing the Federal government, 14 representing state and local government, and three representing the public. The President appoints 20 — three private citizens and three Federal executive officials directly and four governors, three state legislators, four mayors, and three elected county officials from slates nominated by the National Governors' Conference, the Council of State Governments, the National League of Cities/U.S. Conference of Mayors, and the National Association of Counties. The three Senators are chosen by the President of the Senate and the three Congressmen by the Speaker of the House.

Each Commission member serves a two year term and may be reappointed.

As a continuing body, the Commission approaches its work by addressing itself to specific issues and problems, the resolution of which would produce improved cooperation among the levels of government and more effective functioning

of the federal system. In addition to dealing with the all important functional and structural relationships among the various governments, the Commission has also extensively studied critical stresses currently being placed on traditional governmental taxing practices. One of the long range efforts of the Commission has been to seek ways to improve Federal, state, and local governmental taxing practices and policies to achieve equitable allocation of resources, increased efficiency in collection and administration, and reduced compliance burdens upon the taxpayers.

Studies undertaken by the Commission have dealt with subjects as diverse as transportation and as specific as state taxation of out-of-state depositories; as wide ranging as sub-state regionalism to the more specialized issue of local revenue diversification. In selecting items for the work program, the Commission considers the relative importance and urgency of the problem, its manageability from the point of view of finances and staff available to ACIR and the extent to which the Commission can make a fruitful contribution toward the solution of the problem.

After selecting specific intergovernmental issues for investigation, ACIR follows a multistep procedure that assures review and comment by representatives of all points of view, all affected levels of government, technical experts, and interested groups. The Commission then debates each issue and formulates its policy position. Commission findings and recommendations are published and draft bills and executive orders developed to assist in implementing ACIR policies.

