Proposed State Legislation for FY 1973

This is in response to your request for proposed state legislation.

1. Problem

Only one State, New York, has created a state land development agency with full powers to execute a state urban growth policy and build new communities. Other states such as Ohio and Pennsylvania have considered legislation on the subject, but, as far as I know, no concrete action has been taken. Still other states have passed very weak special district laws which will have only minor impact on new community development.

We have the authority to assist actively in state urban growth planning and in new community development to execute this planning. Yet there are few organizations at the state level with full powers to take advantage of this legislation.

2. Proposal

We should collaborate with competent legal authority to draft model state legislation for new communities. It would give the states power, among other things, to:

   a. Establish new communities and expand or renew old ones.
   b. Sell land, subject to contract, to private developers to execute new community development.
   c. If necessary to execute a new community, to construct housing and public facilities, including industrial facilities.
   d. Use power of eminent domain for these purposes.
3. Expected Benefits

The legislation would permit execution of state urban growth strategies and provide a means to support new communities in non-metropolitan areas, in particular, to a greater extent than is now the case where primary reliance is placed upon either private developers or local public bodies.

Director

cc: NHX

McLaughlin, 7112
M Markham, 7204
(NH RF, 7106  STATE legislation)
MN ohrn., 7108
CPM:MN:UNDERHILL:joy 2/11/2 (56050)
Memorandum

TO: SEE ADDRESSEES BELOW

FROM: Samuel C. Jackson
Office of Community Planning and Management

SUBJECT: Proposed State Legislation 1973

In response to a request from the General Counsel’s Office for proposed State legislation, I am asking for your suggestions.

Your suggestions should be submitted to Fred McLaughlin by COB Thursday, February 10, 1972 to permit time for coordination and transmission to the General Counsel’s Office. Each proposal should be submitted as a brief draft statement (limited to one page) setting forth the problem, outlining the proposal and indicating the expected benefits.

Copies of the General Counsel and OMB request are enclosed.

Assistant Secretary

ADDRESSEES:

McLaughlin, 7212
Troilo, 7206
Nicoson, 7106
Graves, 7220
Ball, 7132
Dunn, 7116
MEMORANDUM FOR: ALL ASSISTANT SECRETARIES  
MR. ORLEBEKE  
FEDERAL INSURANCE ADMINISTRATOR  

SUBJECT: Proposed State Legislation 1973  

In order that the Department may comply with the customary annual request from the Office of Management and Budget for State legislative proposals, would you please submit to me no later than February 20, 1972, any such proposals you may have.  

This Department is asked each year for suggestions for uniform State legislation to be cleared through the Office of Management and Budget for forwarding to the Council of State Governments. The Council of State Governments in turn, after study by its Committee on State legislation, submits acceptable proposals for consideration by Governors and State Legislatures.  

Last year, the Council of State Governments adopted and published our suggestions without change. Additionally the Council published a Model Relocation Assistance Act which was developed through the collective efforts of the Council, the Office of Management and Budget, the Office of General Counsel, HUD, and other Federal agencies.  

A copy of the OMB request is attached.  

Attachment
Honorable George W. Romney  
Secretary, Housing and Urban  
Development  
Washington, D.C. 20410  

Attention: Mr. Hubert Fefferman  
Associate General Counsel  

Dear Mr. Secretary:

The facilities of the Council of State Governments and the National Governors' Conference, are again being made available for circulating legislative proposals which Federal agencies wish to suggest for consideration by the State legislatures in their 1973 sessions. For over thirty years this service has been made available by the States to Federal agencies.

The coordination of this program is carried on by the Office of Management and Budget. Any proposals for State legislation which your agency may wish to have circulated among the State legislatures by this procedure should be forwarded to the Office of Management and Budget. This Office will request the comments of other interested Federal agencies, advise you of the relationship of your proposal to the program of the President, and when appropriate, forward the proposal to the Committee on Suggested State Legislation, Council of State Governments, for consideration. Proposals approved by the Council's Committee will be circulated among State legislatures at their next sessions.

In order to facilitate and expedite the procedure for bringing Federal proposals to the attention of State legislative bodies, your attention is invited to the Analytical Index (1941-1972), 1972 Suggested State Legislation, Volume XXXI, pp. 289-304, which replaces all previous index sources. Volumes for succeeding years will maintain this Index on a current basis.

Your suggestions should be submitted to the Office of Management and Budget by March 3, 1972 to permit time for coordination with other Federal agencies and consideration by the Committee prior to its 1972 meeting. Each proposal should be
submitted as a draft statement setting forth the problem and outlining approaches to its solution. We would appreciate receiving eight copies of the draft and each accompanying explanatory statement. (At a later date, it will be necessary to furnish copies of each proposal to the Council Committee for its consideration, and it would be advisable to retain the duplicating plates if they have been prepared.)

If your agency is considering suggested legislation in the environmental area, please inform Mr. Timothy Atkeson of the Council on Environmental Quality (code 128, extension 7965 or 382-7965), who is coordinating proposals in this area with EPA and the Department of Interior. The environmental suggested legislation is being prepared on an accelerated basis and is due by January 31, 1972. When such legislative proposals are ready, please send a copy to Mr. Atkeson at the same time that they are submitted to the Office of Management and Budget.

In order to assure full attention for your suggestions, it is important that the March 3, 1972 submittal date be observed. We are further informed that special arrangements will be made to facilitate consideration of proposals contingent upon congressional action which may be taken after that date. These should be prepared by you and sent along as soon as possible. It would be helpful if you anticipate making such later proposals to inform us and give as much indication as possible of their substance.

In the event that there are any questions concerning this procedure, please communicate with Mr. Thomas J. Graves of the Office of Management and Budget staff (code 103, extension 3477).

Sincerely,

Dwight A. Ink
Assistant Director