

(5) Whether in meetings away from Washington a hearing will be a good device for calling attention to the Commission's presence in a particular community or region.

### PART 1702—BYLAWS OF THE COMMISSION

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AUTHORITY: Pub. L. 86-380 of Sept. 24, 1959; 73 Stat. 703 (42 U.S.C. 4271).

SOURCE: 51 FR 24802, July 9, 1986, unless otherwise noted.

#### § 1702.1 Establishment.

The Act establishing the Advisory Commission on Intergovernmental Relations, 42 U.S.C. 4271 *et seq.* (1959), 73 Stat. 703, empowers the Commission to regulate to the extent it deems desirable for the purpose of carrying out the provisions of this Act the holding of hearings, taking of testimony and fixing the time and place of meetings (42 U.S.C. 4276(a)), rules covering the appointment and compensation of employees and the procurement of temporary and intermittent services (42 U.S.C. 4276(d)). In addition, the Commission is required to publish regulations implementing the provisions of the Freedom of Information Act (5 U.S.C. 552(a)), and the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). These bylaws are designed to carry out these regulatory obligations.

#### § 1702.2 Members.

Public Law 86-380, Sec. 3 (42 U.S.C. 4273), provides that the Commission consist of 26 members serving two-year terms—three U.S. Senators appointed by the President of the Senate, three members of the U.S. House of Representatives appointed by the Speaker of the House, three private citizens and three officers of the Executive Branch appointed by the President of the

United States, and fourteen elected officials of state and local governments nominated by their respective national associations and appointed by the President of the United States. Except for the private citizen and Executive Branch members, appointments must have bipartisan balance within each membership group. The state and local officials on the Commission are divided into the following groups: four governors, three state legislators, four mayors and three elected county officials. Members serve until their terms expire and their replacements have been appointed, or until they leave public office in the membership category they represent. Members are eligible for reappointment.

#### § 1702.3 Officers.

In accordance with section 4(b) of Pub. L. 86-380 (42 U.S.C. 4274(b)), the President designates the Chairman and Vice-Chairman from among the members of the Commission.

#### § 1702.4 Responsibilities and duties of the Commission and Commission members.

(a) *Studies, recommendations and reports.* In accordance with section 5 of Pub. L. 86-380 (42 U.S.C. 4275), the Commission is responsible for choosing topics to study and consider, for recommending “ways and means for fostering better relations between the levels of government,” and for submitting reports to the President, Congress and any other unit of government or organization, including an annual report to the President and Congress. The Commission, or the Chairman upon explicit delegation by the Commission, must approve publication of each formal report containing legislative recommendations (series “A” reports) and information reports (series “M” reports).

(b) *Meeting and hearings.* The Commission, by majority vote of those attending the meeting, may call meetings and hearings at such times and places as it deems appropriate.

(c) *Executive Director.* In accordance with section 6(c) of Pub. L. 86-380 (42 U.S.C. 4276(c)), as amended, the Commission appoints at a regular or special

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meeting, compensates and removes the Executive Director.

(d) *Committees.* The Commission may establish such committees as it deems necessary or desirable to guide research, to hold hearings, or to perform other duties.

(e) *Responsibilities and duties of Commission members.* Members are expected to:

- (1) Attend all meetings.
- (2) Be familiar with docket book contents.
- (3) Be prepared to discuss and vote on proposed recommendations.
- (4) Attend ACIR public hearings and suggest witnesses.
- (5) Make speeches and appearances on behalf of ACIR.
- (6) Testify for ACIR at Congressional hearings.
- (7) Upon request of the Chairman, serve on Commission committees.

Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any committee or members thereof (section 6(a), Pub. L. 86-380 (42 U.S.C. 4276(a))).

### § 1702.5 Duties and powers of the Chairman and Vice-Chairman.

(a) *Personnel.* Subject to rules and regulations adopted by the Commission, the Chairman is empowered by section 6(d) of Pub. L. 86-380 (42 U.S.C. 4276(d)) to appoint, fix the compensation of, and remove all personnel other than the Executive Director, without regard to civil service laws or political affiliation; and to procure the services of temporary and intermittent employees.

(b) *Information requests.* The Chairman is empowered to request necessary information of federal departments and agencies to be furnished by them as required by Pub. L. 86-380, 42 U.S.C. 4276(b). The Vice-Chairman also is empowered to request such information.

(c) *Presiding and voting.* The Chairman shall preside at all meetings of the Commission. In the absence of the Chairman, the Vice-Chairman shall preside at Commission meetings. In the absence of both the Chairman and Vice-Chairman, the Commission member who will preside shall have been designated by the Chairman or failing

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such designation, by majority vote of those attending. The Chairman votes only in the case of a tie or when a vote is taken by written ballot.

(d) *Committees.* The Chairman may establish committees as necessary.

(e) *Hearings.* The Chairman may call hearings and fix their time and place.

(f) *Encouraging attendance and reducing absenteeism.* The Chairman shall promote regular attendance by Commission members at regular Commission meetings and other Commission functions. Whenever a member misses three or more consecutive regular Commission meetings, the Chairman shall write the member, on behalf of the Commission, requesting the member's resignation. The Chairman shall send a copy of his letter to the officials responsible under the law for nominating and appointing that member to the Commission, noting his record of absenteeism and suggesting that efforts be made to vacate the seat so that a new member may be nominated. Every effort will be made to make attendance expectations known to all new members and to officials making nominations and appointments.

### § 1702.6 Commission meetings.

(a) *Time and place.* The Commission intends in the exercise of its discretion provided by Pub. L. 86-380, section 6(a) (42 U.S.C. 4276(a)), to meet quarterly at the call of the Chairman, except in even numbered election years when the fall quarter meeting may be cancelled. Additional meetings may be called by the Chairman or by a majority of all the Commission members. Commission meetings shall be held, upon due notice, at such times and places as the Chairman or the Commission shall determine. The Commission also intends, in the exercise of its discretion, that at least one of its meetings each year be held outside Washington, D.C.

(b) *Setting meeting agendas—notice.* With the approval of the Chairman, the Executive Director will establish the agenda for each regular meeting and shall notify the members of its contents by sending out a docket book at least three weeks in advance of the meeting. Members wishing items placed on the agenda may request the