

the nature of their dissent, they may, with Commission approval, have the minutes revised to present their viewpoint more fully. If a report is involved, the member may be listed as having dissented on a point at an appropriate location in the text of the report. In addition, if the member wishes, a statement of dissent may be included in the report at some appropriate place. On request, the staff will assist members in drafting explanatory dissent statements for inclusion in either the minutes or reports.

(i) *Informal action by the Commission—polling.* The Chairman, on his own motion, may poll the membership of the Commission to determine the views of members on matters on the agenda of a regular or special meeting of the Commission but which were not considered by the Commission. Votes so obtained may either be by mail or by telephone, but if by telephone, they must be confirmed in writing. The result of any poll is reported in the Docket Book for the next session of the Commission for ratification. At that time it is subject to a motion to reconsider, but not at any later time.

§ 1701.10 Other activities of the Commission.

(a) The Commission devotes the necessary amount of ACIR staff time to technical assistance, publications, and education activities so as to disseminate Commission reports and encourage study of emerging public problems which may require adoption of Commission legislative recommendations. In carrying out these implementation activities, Commission members and the staff conduct and participate in press conferences, briefings for legislative and policy officials, legislative hearings, seminars and workshops, technical assistance visits to specific jurisdictions, and other activities appropriate to its statutory mandate.

(b) *Support activities.* In support of its implementation activities, the Chairman and members of the Commission complement the staff work by participating in press conferences and briefings for legislative and policy officials, testifying before Congressional committees and state and local legislative bodies, participating in their home

states in press and legislative activities to generate interest in ACIR reports and recommendations and to advance their implementation, making speeches as representatives of the Commission, serving as a two-way communications channel with the ACIR staff, and undertaking such other assignments on behalf of the Commission as may be appropriate.

(c) *Publications.* ACIR reports containing legislative recommendations or Commission “findings” or “conclusions” (“A” series) and major research reports not containing legislative recommendations (“M” series) are published only after approval by the Commission. Other reports and publications may be published with the approval of the Executive Director as follows:

Public Opinion Survey (“S” series)
Intergovernmental Perspective
In Brief (“B” series)
“What is ACIR?” Brochure
Publications List
Staff Working Papers
Information Bulletins

(d) *Hearings.* Whenever in the opinion of the Commission it is necessary or desirable to have a factual determination based on the testimony of sworn witnesses in an adjudicatory-type hearing, or to provide a forum for receiving statements from interested persons or members of the public, or a part thereof, in a legislative-type hearing, the Commission, or a sub-committee of the Commission (when authorized by the Commission) or any number of members thereof (not less than two) may hold a public hearing. Factors weighed when determining whether or not to hold a hearing include, but are not limited to:

(1) The extent to which all directly affected interests were represented in the critics session.

(2) Whether directly affected interests have requested a hearing with the Commission.

(3) The extent to which a report contains findings, conclusions or potential recommendations on which identifiable interests are in sharp disagreement.

(4) The extent to which hearings may be a good device for directing public attention to the Commission, the report, or both.

(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