The State of State Advisory Commissions on Intergovernmental Relations: Do They Continue to Have a Role in the U.S. Federal System?

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In the 1970s and 1980s a number of states created entities commonly known as Advisory Commissions on Intergovernmental Relations (ACIRs). Although as many as half the states at one time or another supported ACIRs, today only about 10 continue to do so. Relying on face-to-face interviews, phone interviews, e-mail correspondence, Web site analysis, and mailed surveys of directors and other staff members of both currently active as well as terminated ACIRs, this study reports on organization and structure, on staffing and finances, and on activities and performance characteristics of those state ACIRs that remain viable today. The study attempts to identify those factors that seem most related to successful performance of these existing agencies as well as factors related to those terminated agencies, and, in conclusion, speculates on the continued role of ACIRs in the U.S. federal system.

Book of the States, Chapter 2

Introduction

In the 1970s and 1980s a number of states created Advisory Commissions on Intergovernmental Relations. These state commissions were created in response to the increasing complexity of the U.S. federal system and the recognition of the growing need for greater cooperation and dialog between various units of the state, local and federal governments. Patterned after the United States Advisory Commission on Intergovernmental Relations—known as the U.S. ACIR, created in 1959—these commissions generally were bipartisan; included broad representation from local governments, executive and legislative branches and citizenry; and had permanent and professional staffs to carry out their work.

Although the various state commissions differed in size and resources, they all shared similar missions and objectives. Most state commissions assumed the responsibilities of evaluating relationships among local, state and federal governmental agencies; preparing reports and studies to improve those relationships; serving as data centers and clearinghouses for information on intergovernmental issues; serving as forums for the discussion and resolution of intergovernmental problems; providing technical assistance; and occasionally, serving as policy advocates.

Over the past several decades, about half the states created and funded advisory commissions on
intergovernmental relations. This was due in part to the efforts of the U.S. ACIR, which actively promoted state-level counterparts. Noting the increasing tensions between federal, state and local governments, and the increasing challenges brought by rapid urbanization, economic uncertainties and technological change, the U.S. ACIR encouraged states to adopt these commissions, and even developed model legislation for states.\(^4\) Table A\(^3\) presents a listing of all state commissions.

The 10 states where commissions continue to be active have little in common. Most have more local governments than the average, but some—Louisiana, New Jersey, Tennessee and Utah—have far fewer than the average. Most have average-size populations; however, Florida is the fourth largest and North Dakota is the third smallest state in the country. Likewise, partisanship and party politics seem virtually unrelated to the existence or continued viability of state commissions. Legislatures in four states with commissions are predominantly Democratic, six are Republican. The electorate in four of these states voted Democratic in the 2008 presidential election, six voted Republican. Connecticut has one of the country’s strongest concentrations of those identifying themselves as Democrats, while Utah has one of the strongest concentrations of those calling themselves Republicans.\(^5\)

Neither geography, demography, politics, nor electoral behavior explain the commitment of these 10 states to their advisory commissions. Perhaps the only thing that can be said is that by their continued support of commission activities, these states demonstrate a shared commitment to the nonpartisan and broadly representative approach to the understanding and analysis of state-level intergovernmental policy issues these agencies offer.

This study looks primarily at the organizational, structural, financial and staffing aspects of existing state commissions and speculates on the future of such commissions. This study is based on face-to-face interviews, phone interviews, e-mail correspondence, Web site analysis, and on-line surveys of directors and other staff members of both currently active as well as terminated ACIRs, all conducted in the spring in 2009.\(^6\) The survey was developed with the help of a panel of experts that included scholars of U.S. federal relations, previous directors and assistant directors of U.S. ACIR, previous directors of state commissions and state/local practitioners.

**Organization and Structure**

Table B\(^4\) illustrates relevant organizational and structure characteristics of commissions active as of 2009.

Virtually all these commissions were created by state legislatures. In fact, the one agency reporting “other” was initially created by a legislative act and later moved under jurisdiction of a university. The average commission has about 20 members, with a range of 12 to 28. The governing bodies consist primarily of representatives of local governments and the state legislative branch. Less represented are the executive branch and private citizens. Almost half say their commissions are required by law to maintain bipartisan membership, and a majority say their commissions “sometimes” operate in a bipartisan manner. One respondent noted the statute creating that commission requires “an even split between the majority and minority memberships of the House and Senate.” Another commented on the difficulty in achieving bipartisanship: “The goal is to have legislators from both sides of the political aisle but [our state] is heavily Republican so this is hard to achieve.”

Most say they “always” or “usually” have maintained a mix of membership from the executive and legislative branches, local governments and the general public. Four agencies reported having no official commission membership positions for members of the public, and some that officially have public membership report difficulty in achieving active participation from this group.
Staffing and Finances

Table C [5] presents information related to the staffing and financing of these state commissions. These state agencies share some commonalities, but many significant differences are revealed as well. All agencies are relatively small and report that their budgets come entirely from state general funds. Almost all say the size of their staff has remained reasonably constant in recent years, and most say recent economic downturns probably will not impact their staffing, finances or programs. One respondent noted, however, “[Our state] is facing substantial financial difficulties and it’s likely that every agency will be impacted.”

Beyond this, though, significant financial and staffing differences are evident. Although small, the range of staffing varies considerably. Some of those reporting small staffs receive support from other agencies. One respondent stated, “Our ACIR is provided staff as necessary by the Office of Policy and Management.” The size of operating budgets, averaging $534,000, varies more greatly. Some of those reporting very small budgets say they receive budget support elsewhere. One reported the state’s commission “receives minimal funding as a line item in OPMs expense budget,” and a university-connected ACIRs reported receiving some budget assistance from the school’s departmental operating budget.

Activities and Performance

Respondents were asked to estimate the total amount of time and effort devoted to several activities. As shown in Figure A [6], time and work effort reported by these commissions consist mainly of conducting and publishing research, preparing legislative policy proposals, and hosting conferences and seminars. Other tasks, like serving as information clearinghouses or providing technical advice to local governments, appear to garner very little attention.

Respondents also were asked to report on other aspects of their activities, such as who sets their work agenda, how their work is utilized and by whom.

As shown in Table D [7], the work agenda of the advisory commissions for the most part is set by each agency’s commission. Respondents report their work is utilized mainly by state agencies and city and municipal governments. Very little commission work appears to be utilized by special district governments or regional councils. Among state agencies, legislative bodies are seen as utilizing the bulk of commission work while very little appears to be utilized by governors.

Respondents were asked about their role in advocacy. Most indicate they take an advocacy position only “occasionally” (50 percent), or “rarely or never” (37.5 percent).

The extent of commission engagement in various programmatic activities is shown in Table E [8].

For the most part, these commissions provide advice to state legislative committees; review proposed state legislation for intergovernmental implications; monitor intrastate grants, contracts and other relationships; and maintain intergovernmental databases, such as state-local finances and census data. Considerably less attention is paid to monitoring intergovernmental agreements, providing cost estimates of unfunded state mandates and monitoring interstate relationships. Apparently no, or only minimal, time is spent on boundary commission duties and assistance to regional councils.

In general, those agencies that operate in a truly bipartisan manner and are characterized by a good representative mix of membership report greater success with constituents than other agencies. In addition, evidence suggests those that at least “occasionally” engage in advocacy activities perceive higher levels of success with some constituents, particularly with the legislature and the governor.
While these are intriguing results and may suggest broader patterns, the small number of agencies available for this study necessitates considerable caution in interpreting results.

**Factors Accounting for Success and Issues to Avoid**

The reasons for success of state commissions vary.

Some of the factors discussed above seem related to successful efforts, at least as viewed by existing commissions. Self-described ratings of “success” with many constituents (city and municipal governments, county governments, legislators and legislative committees, etc.) seem to be related to structural factors such as maintaining bipartisan commission membership and having a “good” mix of membership. Success also seems positively related to the willingness to at least occasionally engage in advocacy-type activities.

Respondents were asked to list those factors they believed most account for the success, or at least longevity, of their agencies; advice they would give to newly formed state commissions on strategies; and tactics most critical to success and pitfalls and missteps to avoid. Table F [9] presents those responses.

The verbal responses correlate with many of the quantitative responses discussed earlier and seem to reinforce conclusions. Many respondents stressed the importance of having bipartisan commission membership and a good mix of representation from all sectors, as well as doing professional, well-balanced, objective policy work.

Additional strategies and tactics related to successful efforts include developing productive relationships with other state organizations and “key players,” cultivating and maintaining local government support, and reaching out to local governments and local government associations. One respondent suggests developing a “serial” (or annual) product and several suggested making sure the commission’s work is widely circulated and recognized.

**Factors Related to Commission Terminations and Prospects for Their Continued Role in the U.S. Federal System**

Interviews conducted with former directors of terminated state commissions reveal many factors contributing to their demise.

Partisanship played a factor in some terminations. One director said the commission was effective when the Democrats controlled the legislature, and half the commission’s recommendations were approved. “Republicans ran on a ‘we hate government’ campaign and after they took control none of our recommendations ever saw the light of day.” Another director said Republicans disregarded commission recommendations when they gained control of the legislature.

In other states, the Democratic perspective led to the commission’s demise. One former director said, “The governor [a Democrat] viewed us with great suspicion. He saw us as too much of an advocate for the state’s metropolitan areas, as opposed to county governments and rural areas.” In another state the Democratic-controlled legislature “did not like any options [on tax reform] that we recommended and that ultimately led to our going out of business.”

Alternative sources of available information, as well as competing sources of information, were identified by some former directors as contributing to the demise of their state’s commissions. One director said, “Our state legislature developed its own research council” that did much of the work that might have gone to the commission. Another said, “In our state, the comptroller, the legislature and the governor all developed very sophisticated information gathering and policy analysis
capabilities that ACIR simply could not compete with.” Another said his/her state’s legislative council and departmental research units provided the type of information the commission would provide.

The most frequently cited reason for commission terminations was simply the failure of legislative and executive bodies and other state policymaking agencies—as well as commission members themselves—to take the commission, its mission, recommendations and body of work seriously. “We just faded away, we fell into disrepair, no one took us seriously,” one former director stated. “We were a fad, and when we finished [the two tasks that had been assigned by the legislature] it just made sense to get rid of us.”

Another said his state’s commission had problems getting a quorum. “We had difficulty finding times that were convenient and topics that were of sufficient interest to persuade many of our members to drive for hours to [the state’s capitol].” Another former director said, “We presented great things, there was never any criticism of the validity of our recommendations, but none were ever accepted.” The commission was a victim of “benign neglect,” another former director said, “we were never asked to do much; we were not very high on anyone’s priority list.” Two former directors interviewed said they, themselves, recommended commission termination.

Issues of partisanship, competition with other state-level associations and growing alternative sources of information all played a role in the demise of many state commissions. But overall, if these interviews with former directors are representative, most state commissions failed because of a lack of commitment to their missions and a failure by many parties, including commission and staff members, to truly value the nonpartisan, nonbiased policy analysis work commissions provide. The commissions and the work they did came to be viewed as irrelevant to the policy process. In short, they became expendable.

**Is There a Continued Role for State Commissions?**

There are few remaining commissions that were initiated in earlier decades and only one state commission initiated in the past decade. Not only have the majority of state commissions faded away, but so too has U.S. ACIR. It’s quite possibly the case that commissions belong to a bygone era, that they were fads whose times have come and gone.

In considering possible future roles of commissions, it’s helpful to recall the times when most of them were created and to compare the significant issues of U.S. intergovernmental relations, then and now. The 1960s, 1970s and 1980s were decades experiencing an explosion of intergovernmental activity. Between 1960 and 1980, the number of federal aid programs rose from 132 to more than 500, funds allocated to state and local governments rose from about $7 billion to more than $90 billion and the federal government was experimenting with various forms of grants. Most significantly, perhaps, was the growing provision of grant assistance provided directly to local governments and the increased reliance of local governments on federal aid as part of their operating budgets. This was a period described by one observer as one of “galloping intergovernmentalization” and it brought significant new management and administrative challenges to states and local governments.

The important intergovernmental issues facing state and local policymakers were precisely the sorts that commissions—with their emphasis on research, technical assistance, management advice, agenda setting and policy coordination, all carried out in a nonpartisan or bipartisan manner and with the participation of state, local and private representatives—were best prepared to address. It’s no wonder commissions flourished in this era.

Today, the important intergovernmental issues have changed significantly. Although the dollar amounts of federal grants have continued to rise, the federal government has shifted its focus so that
increasing portions of aid go to states rather than to local governments. Further, the percent of federal assistance going to state and local governments for the purpose of capital investments, compared to that going to individuals, has declined as well. Today only about one-third of federal grant money is available for capital investment and general government purposes.

Equally important has been the dramatic increase in federal rules, regulations and mandates placed by the federal government on the use of those funds by state and local governments, and in turn on local governments by their respective states. Referring to this local burden, one observer notes:

“... Nothing has bothered local officials more than state mandates, particularly those that strongly affect local budgets. State officials often rely on their legislative and regulatory authority to compel local units to follow certain procedures, make changes in existing programs, or assume new program responsibilities. Each year, local officials must guard against legislation burdening their jurisdictions with expensive or inefficient state programs.”

The dynamics of intergovernmental relations today, especially at the state and local level, have shifted from what might be described as coordination and cooperation to competition and adversity. Local governments compete with each other and with their states for dwindling federal resources. Local governments in particular must work to minimize the impact of the increasing costs of both federal and state mandates. State and federal relations today, one scholar argues, can best be described as that of “dueling policies.” In such a climate, the value of the perspectives that commissions contribute to the intergovernmental arena is greatly diminished.

Yet, many who study, practice and make policy in intergovernmental affairs arenas continue to point to the need for the nonpartisan, objective consideration of, and recommendations about, intergovernmental management and policy issues that commissions are equipped to offer. Many, in fact, continue to hope for a resurgence of commissions, including U.S. ACIR.

As Bruce McDowell put it:

“Considerably more consequential federal agencies than ACIR have disappeared from the scene, and the nation has survived. Nevertheless, Sen. Daniel Patrick Moynihan probably was correct in his remarks to the United States Senate during debate on ACIR’s final appropriation ...” the ACIR does important, if largely unheralded, work. And we stand on the brink of terminating it. This is a mistake which we will regret. ... Without the ACIR, our knowledge of important matters will never be anything more than meager. The action we are about to take will harm our capacity to govern effectively.”

David Brunori speaks for many observers of both national- and state-level advisory commissions when in 2001 he suggested bringing back the commissions. “It has been five years since the ACIR was eliminated, in what can only be described as a shortsighted effort to save money.”

Similarly, former directors interviewed for this study expressed a continued need for commission activities and the hope to revive such an agency in their state. One former director put it this way: “The issues of the 1970s have not gone away. In some ways the need (for commission-type oversight) is even greater today. Today’s issues are more complex and we still lack adequate information at the state and local level. The need still exists for a body of mixed state and local representatives, backed up by solid research, to sort through complex issues.”

Realistically, it appears that only a dramatic event that significantly changes the dynamics of U.S. intergovernmental relations would rejuvenate demands for the reauthorization of commissions at either the national or state levels. Perhaps the nation’s economic collapse in 2008-09, one almost
universally viewed as America’s greatest economic crisis since the Great Depression, will prove to be such a transformational event. Certainly the economic stimulus package passed by Congress in 2009—and possibly future stimulus packages— is forcing state and local governments to face many intergovernmental management questions and issues raised in previous years. The stimulus funding flows through state and local governments for public works and infrastructure, fiscal stabilization, Medicaid, education, public safety, public housing and other projects and services funded by the bill. State advisory commissions are especially well-equipped to handle these sorts of issues.

State commissions are a product and a reflection of intergovernmental events and issues of the 1960s, 1970s and 1980s. That a few still remain active is a testament to the commitment those states for the bipartisan, objective and representative consideration of intergovernmental issues that such commissions offer and to the consistently high level of work these agencies produce.

Times, though, have changed. Realistically, the chances for successful renewal of state commissions, or for U.S. ACIR, do not appear great.

But, these also are extraordinary times. In many ways the intergovernmental issues and challenges that will be raised by the nation’s response to its current economic crisis are not greatly unlike those faced by cities, states and the federal government in the 1960s to 1980s. States and local governments will respond to these challenges in many ways. It seems reasonable for states to look to commission-type agencies for assistance with these challenges.

Notes

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2. Less frequently, some states have used such terms as Advisory Council on Intergovernmental Relations and Advisory Commission on Intergovernmental Cooperation.

3. A good summary of the various criteria some deem essential to the ACIR “model” is provided by Dana B. Brammer, “State-Local Relations Organizations; A Fresh Look at the ACIR Counterparts in the States,” in Public Administration Survey, vol. 42 (spring/summer, 1995).


6. Contact was made with ex-directors or officials from eight terminated ACIRs. In depth, hour-long, interviews were held either face to face or over the phone with most of them. In other cases, information was exchanged via e-mail. A special note of thanks is due Terrell Blodgett for his assistance in locating these ex-directors and arranging for these interviews.
7. I wish to express my sincere gratitude to Terrell Blodgett, David Caputo, Shama Gamkhar, John Kincaid, Dale Krane, Bruce McDowell, Jim Ray, Carl Stenberg, Delbert Taebel, Robert Whelan, Robert Wilson and Deil Wright, all of whom contributed generously of their time and considerable expertise in assisting with the development of the survey as well as all aspects of this study, and to all who place great value in searching for ways to preserve and improve the relationships among the various levels of government in the American federal system.

8. A brief but useful summary of various legislative reforms occurring over this period, including those dealing with alternative sources of information and research, can be found in: Eugene W. Hickok, Jr., *The Reform of State Legislatures* (University Press of America: New York, 1992).

9. An issue that might be said to be related both to ACIRs creation and their demise is the role of leadership, or more specifically the presence of one or a few advocates or “champions”—politically influential individuals with extraordinary commitment to ACIR goals and objectives who may have played critical roles in ACIR creation, but who for whatever reason were unable to help the agency when threatened. Describing his commission’s failure, one previous director said, “We were created by executive order of a governor best described as a ‘young Turk.’ He was very ‘statesman-like,’ had been a member of the U.S. ACIR’s commission, and was very excited about bringing that perspective to (our state). For three years during that governor’s term, we had a great commission. He was replaced by a weak governor offering no support.” Another former director said similarly, “The key to weathering a temporary storm, change in leadership, budget crisis, etc., is really to have powerful advocates in either the governor’s office or the legislature, or both.” Another former director stated, “Seems to me that to have a viable ACIR a state must have leaders that want answers to systemic problems, want alternative solutions to complex problems, want to include leaders from the public and private groups to help understand why and what needs to be done in the best interest of the state ... and be willing to champion the cause for the ACIR. ... None of this exists presently in my state.”


12. So pervasive have these regulations been for state and local governments, that some refer to the current period as one of “coercive federalism.” See: John Kincaid, “From Cooperative to Coercive Federalism,” *Annals of the American Academy of Political and Social Sciences*, (1990), 139-52.


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