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Authorities--Those Independent Units of Government

Even though an exact count of them is hard to get, "authorities" represent the most utilized single form of government in Pennsylvania. Employed at both local and state levels, their number approaches the 2,500 mark.

The uses of these unique governmental entities are wide and many. At the local level the first ones were for water, sewer, schools, et cetera. Later, usage was expanded to include non-basic purposes such as golf, auditoriums, stadiums, airports and the like. In time, they became employed for financing commercial/industrial development projects. At the state level, authorities are used, for the most part, to promote an economic and social agenda.

The federal government has curtailed some authority endeavors. Restrictive legislation was enacted because of the extensive use of industrial authorities for private projects. In Pennsylvania, some users were household names while others were private nonprofit institutions-- hospitals, retirement homes, colleges and universities. Federal constraints notwithstanding, such activity continues. For example, in Pittsburgh a development authority financed the new Hyatt Hotel located at the airport, and a private college recently financed a dorm the same way.

Authorities were developed in Pennsylvania out of a need to circumvent constitutional debt limits during the depression years of the 1930s. Today, while this debt issue has vanished, through constitutional amendments, the use of authorities continues unabated. The reasons are not surprising. Foremost is that voter approval is not needed to create them. They are established easily by elected public officials and, as such, can be viewed as their own fiefdoms. Accountability is diffused and limited. They are a politician's bonanza. Jobs have to be filled, contracts awarded, investment bankers selected and supplies purchased.

Given all the foregoing, it should not come as a surprise that many legislators serve on authority boards. At the state level, this is so by legislative decree. At the local level, it is done by political appointment. This represents a clear conflict of interest since the legislators enact the laws governing authorities. Moreover, authority government is not compatible with the doctrine of sovereignty of the people. Citizen approval is not

required for their creation or operation. Thus, the authority form of government is insulated from electoral sanction.

None of this is to say that authorities have been of no benefit to the public. They have been. This was especially true in the 1930's and subsequent decades when constitutional debt limits restricted government borrowing. Advocates of authorities continue to point out the advantages of convenience and flexibility. They also emphasize that only the "user" pays for them. On the other hand, authorities fragment the governmental structure, have minimal accountability, and compete in some cases with private enterprise.

It is unlikely that the use of authority government in Pennsylvania will be reduced or eliminated in the near future. It is too popular a device for politicians. However, it is never too late to seek legislative reform. First, if their usage cannot be curtailed, then voter approval should be required for their creation. Further, board membership should also require voter consent and legislators should be barred from board membership. Reporting systems should be upgraded and compliance of existing regulations enforced. Annual reports to the public should be required, and the operations made much more transparent. A sunset review provision would be a good idea as well. These corrective actions could go a long way in establishing voter control over authorities.

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