

No. 1985-25

## AN ACT

HB 117

Adopting an agreement relating to the Chesapeake Bay; and creating the Chesapeake Bay Commission.

## PREAMBLE

WHEREAS, The Chesapeake Bay Commission was formed in 1980 to assist the legislatures of Maryland and Virginia to evaluate and respond to problems of Bay-wide concern; and

WHEREAS, Studies completed by the United States Environmental Protection Agency, the United States Army Corps of Engineers and others have emphasized the importance of the drainage system of the lower Susquehanna River to the health and welfare of the Chesapeake Bay; and

WHEREAS, The need for effective cooperation and coordination of Bay management among the states of Virginia, Maryland and Pennsylvania has been stressed by participants in the 1983 Chesapeake Bay Conference; therefore be it

RESOLVED, That the General Assemblies of Virginia, Maryland and Pennsylvania enact legislation adopting an agreement relating to the Chesapeake Bay and creating the Chesapeake Bay Commission.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

## Section 1. Agreement.

The Commonwealth of Pennsylvania hereby solemnly covenants and agrees with the State of Maryland and the Commonwealth of Virginia, upon the enactment of concurrent legislation by the respective state legislatures, as follows:

## Chesapeake Bay Commission Agreement

## Article I

## Membership and Organization

Section 101. Commission created.—The Chesapeake Bay Commission, hereinafter designated as the “commission,” is hereby created.

Section 102. Members.—The commission shall consist of 21 members, seven from Virginia, seven from Maryland and seven from Pennsylvania. In each state, five of the members shall be members of the General Assembly. In Maryland, two Senators designated by the President of the Senate and three Delegates designated by the Speaker of the House of Delegates shall serve as members. The Governor of Maryland or his designee shall serve as a member. In addition, the President of the Senate and the Speaker of the House of Delegates shall jointly select one Maryland member who is not a

legislator or an employee of the executive branch. In Virginia, two Senators designated by the Committee on Privileges and Elections and three Delegates designated by the Speaker of the House of Delegates shall serve as members. The Governor of Virginia or his designee shall serve as a member. In addition, the Senate Committee on Privileges and Elections and the Speaker of the House of Delegates shall jointly select one Virginia member who is not a legislator or an employee of the executive branch. In Pennsylvania, two Senators designated by the President pro tempore of the Senate and three Representatives designated by the Speaker of the House of Representatives shall serve as members. The Governor of Pennsylvania or his designee shall serve as a member. In addition, the President pro tempore of the Senate shall select one Pennsylvania member who is not a legislator or an employee of the executive branch.

Section 103. Term.—Legislators serving as members of the commission shall serve terms coterminous with their current terms of office.

The nonlegislative members shall serve at the pleasure of their respective appointing authorities for a term of not more than four years. Nonlegislative members may be reappointed at the end of the four-year term.

Section 104. Compensation.—The commission members shall serve without compensation from the commission but may be reimbursed by the commission for necessary expenses incurred in and incident to the performance of their duties. In addition, commission members from each state may receive from their respective states' other compensation to which they may be entitled under the laws of their respective states.

Section 105. Meetings and voting.—Commission meetings shall be held at least once each quarter and at such other times as the commission may determine. In order to constitute a quorum for the transaction of any business, at least 11 commission members, including at least three commission members from each state, must be present. Approval of proposed action shall require the majority vote of the commission members present.

Section 106. Organization, internal procedures and delegation of powers.—(a) The commission members shall serve as the governing body of the commission and, except as hereinafter provided, shall exercise and discharge all powers, functions and responsibilities assigned to the commission. The commission shall provide for the organization of internal procedures of the commission and, to this end, shall adopt suitable bylaws. The commission shall have a chairman and two vice chairmen, chosen by the respective delegations, whose offices shall rotate annually among the signatory states and may at no time be held by members from the same signatory. The commission may maintain one or more offices for the transaction of its business. The commission may, without regard to the civil service or the laws of any signatory relative to public officers and employees, create and abolish offices, employments and positions as it deems necessary for the purposes of the commission, affix and provide for the duties, conditions for employment, qualifications, appointment, removal, term, compensation and other rights and benefits of the commission's officers and employees, and shall appoint the principal officers of the commission and allocate among them

administrative functions, powers and duties. The commission may delegate to the officers and employees of the commission any powers, functions and responsibilities under this agreement as it deems suitable, except that it may not delegate its power to make recommendations to the respective legislatures, to issue reports or to adopt the annual expense budget.

(b) Every full-time officer and employee of the commission on a salary basis shall be eligible for pension and health and related insurance offered to employees of one of the member states: Provided, That the employee so elects within 30 days of commencing employment: And provided, That the commission allocates funds in its budget for the employer share of these benefits.

## Article II Purposes, Powers and Duties

Section 201. Purposes.—The purposes of the signatories in enacting this agreement are to assist the legislatures of Maryland, Virginia and Pennsylvania in evaluating and responding to problems of mutual concern relating to the Chesapeake Bay; to promote intergovernmental cooperation; to encourage cooperative coordinated resource planning and action by the signatories and their agencies; to provide, where appropriate, through recommendation to the respective legislature, uniformity of legislative application; to preserve and enhance the functions, powers and duties of existing offices and agencies of government; and to recommend improvements in the existing management system for the benefit of the present and future inhabitants of the Chesapeake Bay region.

Section 202. Powers.—In pursuit of the purposes and duties set forth in this article, the commission may exercise the following powers:

(1) The commission may collect, compile, analyze, interpret, coordinate, tabulate, summarize and distribute technical and other data relative to the Chesapeake Bay and its environs. It may conduct or contract for studies, except those for primary scientific research, and may prepare reports on existing or potential problems within the Bay region.

(2) The commission may prepare, publish and disseminate information in reports related to the resources of the region.

(3) The commission may serve as an advisory board to any requesting agency of the member states on matters of interstate concern.

(4) The commission may make application for grants, services or other aids as may be available from public or private sources to finance or assist in effectuating any purposes of this agreement; and receive and accept the same on such terms and conditions as may be required by the law of the respective signatory states.

(5) The commission may purchase administrative supplies and may lease sufficient office space if such space is not otherwise made available for its use.

(6) The commission may exercise such other powers as are granted by this agreement and take such actions as are necessary or appropriate for performing the duties set forth in this agreement.

Section 203. Duties.—In carrying out the purposes set forth in this article, the commission shall have the following duties:

(1) The commission shall:

(i) identify specific Bay management concerns requiring inter-governmental coordination and cooperation; and

(ii) recommend to the Federal, State and local governments, which are involved in the Chesapeake Bay region, legislative and administrative actions necessary to effectuate coordinated and cooperative management for the Chesapeake Bay.

(2) In administering the provisions of this agreement the commission shall consider the needs of the region for industrial and agricultural development and for gainful employment and maintenance for a high quality environment.

(3) The commission shall respect and support the primary role of the respective signatory states and their administrative agencies in managing the resources of the region.

(4) The commission shall collect, analyze and disseminate information pertaining to the region and its resources for the respective legislative bodies. The commission shall prepare an annual report indicating the status of environmental and economic issues involving the Chesapeake Bay and the progress of coordinative efforts by the member states.

(5) The commission shall represent common interests of the signatories as they are affected by the activities of the Federal Government and shall assist in the monitoring of those activities in the Chesapeake Bay region.

(6) The commission may provide a forum to serve as an advisory mediator for programmatic conflicts between or among the member states when such action is requested by the conflicting member states.

### Article III

#### Budgets and Financing

Section 301. Annual budget.—The commission shall annually adopt a budget which shall include the commission's estimated expenses for administration and operation. In establishing the annual current expense budget, the commission shall balance total expenses against the commission's estimate of revenues from all sources, either previously appropriated by a signatory state or receivable from any person or governmental agency by contract or grant with that person or governmental agency. The chairman of the commission shall certify to the respective signatories, and submit to persons in other governmental agencies, statements of the amounts requested from them in accordance with existing cost-sharing established by this agreement or by the parties. The chairman of the commission shall transmit certified copies of such budgets to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures.

Section 302. Apportionment of cost.—The amount required for the commission's current expense budget shall be apportioned equally among the signatory parties unless a different apportionment is agreed to by unanimous vote of the commission.

Section 303. Budget for 1985-1986.—The current expense budget for the 1985-1986 fiscal year shall be \$225,000, to be equally apportioned among the respective signatory states.

Article IV  
Amendments to Agreement

Section 401. Modification.—This agreement shall not be amended or modified except with the concurrence of the legislatures of the State of Maryland, the Commonwealth of Virginia and the Commonwealth of Pennsylvania. Amendments shall not become effective until adopted in the same manner as the original agreement.

Article V  
Duration of agreement

Section 501. Term.—The duration of this agreement among the State of Maryland, the Commonwealth of Virginia and the Commonwealth of Pennsylvania shall be for an initial period of ten years from its effective date, and it shall be continued for additional periods of ten years unless one or more of the signatory states, by authority of an act of its legislature, notifies the commission of intention to terminate the agreement at the end of the current ten-year term: Provided, however, That any signatory, by act of its legislature, can withdraw from the agreement at the end of any calendar year or fiscal year.

Section 502. Dissolution.—In the event that this agreement shall be terminated by operation of section 501, the commission shall be dissolved, its assets and liabilities transferred and its corporate affairs wound up in accordance with the unanimous agreement of its signatories or, failing unanimous agreement, in such manner that the assets and liabilities of the commission shall be shared by the respective states.

Section 2. Governor to execute agreement and modifications.

The Governor is authorized and directed to:

(1) Execute and deliver on behalf of the Commonwealth all agreements and modifications of agreements that relate to the Chesapeake Bay Commission.

(2) Take those actions which may be necessary to effectuate the agreement.

Section 3. Effective date.

This act shall take effect immediately.

APPROVED—The 25th day of June, A. D. 1985.

DICK THORNBURGH