

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 117

Session of 1985

INTRODUCED BY COLE, DAVIES, LUCYK, COWELL, COY, FEE, MORRIS, SCHULER, HERSHEY, JACKSON, G. M. SNYDER, SCHEETZ, BOOK, MARKOSEK, MAYERNIK, BARLEY, PHILLIPS, COSLETT, BURD, E. Z. TAYLOR, SHOWERS, BROUJOS AND GREENWOOD, JANUARY 29, 1985

REFERRED TO COMMITTEE ON FEDERAL-STATE RELATIONS, JANUARY 29, 1985

AN ACT

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

3 PREAMBLE

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

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

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

16 RESOLVED, That the General Assemblies of Virginia, Maryland

1 and Pennsylvania enact legislation adopting an agreement
2 relating to the Chesapeake Bay and creating the Chesapeake Bay
3 Commission.

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

6 Section 1. Agreement.

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

11 Chesapeake Bay Commission Agreement

12 Article I

13 Membership and Organization

14 Section 101. Commission created.--The Chesapeake Bay
15 Commission, hereinafter designated as the "commission," is
16 hereby created.

17 Section 102. Members.--The commission shall consist of 21
18 members, seven from Virginia, seven from Maryland and seven from
19 Pennsylvania. In each state, five of the members shall be
20 members of the General Assembly. In Maryland, two Senators
21 designated by the President of the Senate and three Delegates
22 designated by the Speaker of the House of Delegates shall serve
23 as members. The Governor of Maryland or his designee shall serve
24 as a member. In addition, the President of the Senate and the
25 Speaker of the House of Delegates shall jointly select one
26 Maryland member who is not a legislator or an employee of the
27 executive branch. In Virginia, two Senators designated by the
28 Committee on Privileges and Elections and three Delegates
29 designated by the Speaker of the House of Delegates shall serve
30 as members. The Governor of Virginia or his designee shall serve

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

12 Section 103. Term.--Legislators serving as members of the
13 commission shall serve terms coterminous with their current
14 terms of office.

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

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

26 Section 105. Meetings and voting.--Commission meetings shall
27 be held at least once each quarter and at such other times as
28 the commission may determine. In order to constitute a quorum
29 for the transaction of any business, at least 11 commission
30 members, including at least three commission members from each

1 state, must be present. Approval of proposed action shall
2 require the majority vote of the commission members present.

3 Section 106. Organization, internal procedures and
4 delegation of powers.--(a) The commission members shall serve
5 as the governing body of the commission, and, except as
6 hereinafter provided, shall exercise and discharge all powers,
7 functions and responsibilities assigned to the commission. The
8 commission shall provide for the organization of internal
9 procedures of the commission and to this end shall adopt
10 suitable bylaws. The commission shall have a chairman and two
11 vice chairmen, chosen by the respective delegations, whose
12 offices shall rotate annually among the signatory states and may
13 at no time be held by members from the same signatory. The
14 commission may maintain one or more offices for the transaction
15 of its business. The commission may, without regard to the civil
16 service or the laws of any signatory relative to public officers
17 and employees, create and abolish offices, employments and
18 positions as it deems necessary for the purposes of the
19 commission, affix and provide for the duties, conditions for
20 employment, qualifications, appointment, removal, term,
21 compensation and other rights and benefits of the commission's
22 officers and employees, and shall appoint the principal officers
23 of the commission and allocate among them administrative
24 functions, powers and duties. The commission may delegate to the
25 officers and employees of the commission any powers, functions
26 and responsibilities under this agreement as it deems suitable,
27 except that it may not delegate its power to make
28 recommendations to the respective legislatures, to issue reports
29 or to adopt the annual expense budget.

30 (b) Every full-time officer and employee of the commission

1 on a salary basis shall be eligible for pension and health and
2 related insurance offered to employees of one of the member
3 states: Provided, That the employee so elects within 30 days of
4 commencing employment: And provided, That the commission
5 allocates funds in its budget for the employer share of these
6 benefits.

7 Article II

8 Purposes, Powers and Duties

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

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

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

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

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

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

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

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

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

21 (1) The commission shall:

22 (i) identify specific Bay management concerns requiring
23 intergovernmental coordination and cooperation; and

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

28 (2) In administering the provisions of this agreement the
29 commission shall consider the needs of the region for industrial
30 and agricultural development and for gainful employment and

1 maintenance for a high quality environment.

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

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

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

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

19 Article III

20 Budgets and Financing

21 Section 301. Annual budget.--The commission shall annually
22 adopt a budget which shall include the commission's estimated
23 expenses for administration and operation. In establishing the
24 annual current expense budget, the commission shall balance
25 total expenses against the commission's estimate of revenues
26 from all sources, either previously appropriated by a signatory
27 state or receivable from any person or governmental agency by
28 contract or grant with that person or governmental agency. The
29 chairman of the commission shall certify to the respective
30 signatories, and submit to persons in other governmental

1 agencies, statements of the amounts requested from them in
2 accordance with existing cost-sharing established by this
3 agreement or by the parties. The chairman of the commission
4 shall transmit certified copies of such budgets to the principal
5 budget officer of the respective signatory parties at such time
6 and in such manner as may be required under their respective
7 budgetary procedures.

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

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

15 Article IV

16 Amendments to Agreement

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

23 Article V

24 Duration of agreement

25 Section 501. Term.--The duration of this agreement among the
26 State of Maryland, the Commonwealth of Virginia and the
27 Commonwealth of Pennsylvania shall be for an initial period of
28 ten years from its effective date, and it shall be continued for
29 additional periods of ten years unless one or more of the
30 signatory states, by authority of an act of its legislature,

1 notifies the commission of intention to terminate the agreement
2 at the end of the current ten-year term: Provided, however, That
3 any signatory, by act of its legislature, can withdraw from the
4 agreement at the end of any calendar year or fiscal year.

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

12 Section 2. Governor to execute agreement and modifications.

13 The Governor is authorized and directed to:

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

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

19 Section 3. Effective date.

20 This act shall take effect immediately.