

## **BAY STATE-OCEAN STATE COMPACT**

The Bay State – Ocean State Compact is enacted into law and entered into by this state with all states legally forming therein in the form substantially as follows:

### **ARTICLE I PURPOSE AND POLICY**

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership basis at the state and local levels.
2. Enhance the economic and environmental qualities of the bays system.
3. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of environmental and economic aspects of Narragansett Bay and Mount Hope Bay.
4. Provide a clearing house of information on matters relating to the problems of the bays systems and how they are being met in different places, so that the legislative branch of state government may have ready access to the experience and record of the compact members and so that both lay and professional groups in this field may have additional avenues for the sharing of experience and interchange of ideas in the formation of this public policy.
5. Facilitate the improvement of state and local systems so that all of them will be able to meet adequate and desirable goals, which require continuous advancement is related marine opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of bays systems in a manner, which will accord with the needs and advantages of diversity among localities and the states of Rhode Island and the Commonwealth of Massachusetts.

C. The party states recognize that each of them has an interest in the water quality in the other states, as well as in its own marine system.

### **ARTICLE II STATE DEFINED**

As used in the compact, "state" means state of Rhode Island or the Commonwealth of Massachusetts.

### **ARTICLE III THE COMMISSION**

A. The commission of the states, hereinafter called "the commission", is hereby established. The commission shall be comprised of seventeen (17) members, eight (8) members from Rhode Island, eight (8) members from Massachusetts and one member being the northeast regional

director of the Environmental Protection Agency or his/her designee. The Rhode Island members shall be the governor or his/her designee, two (2) senators chosen by the president of the senate, one senator chosen by the senate minority leader, two (2) members of the house of representatives chosen by the speaker of the house, one member of the house of representatives chosen by the house minority leader, and one member or other citizen of Rhode Island chosen jointly by the president of the senate and the speaker of the house. The Massachusetts membership shall be chosen by the Massachusetts Great and General Court. The members of the commission shall be uncompensated and serve for a term of two (2) years.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the executive committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article III (J).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chairperson, a vice chairperson and a treasurer. The commission may provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the executive committee appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two (2) or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and function under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this article shall be reported in the annual report of the

commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

#### ARTICLE IV POWERS

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning needs and resources.
2. Encourage and foster research in all aspects of Narragansett Bay and Mount Hope Bay, but with special reference to the desirable scope of environmental and economic aspects.
3. Develop proposals for adequate financing of the compact as a whole and at each of its many levels.
4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations, and other agencies and institutions, both public and private.
5. Formulate suggested policies and plans for the improvement of Mount Hope Bay as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.
6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

#### ARTICLE V COOPERATION WITH FEDERAL GOVERNMENT

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States shall be represented on the commission by the northeast regional executive director of the Environmental Protection Agency or his/her designee. Such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common policies of the member states, and may advise any such agencies or officers concerning any matter of mutual interest.

#### ARTICLE VI COMMITTEES

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect an executive committee of five (5) members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. A federal representative on the commission may serve with the executive committee, but without vote. The voting members of the executive committee shall serve for terms of two (2) years, except that members elected to the first executive committee of the commission shall be elected as follows: one for one year and one for two (2) years. The chairperson, vice chairperson, and treasurer of the commission shall be members of the executive committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the executive committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two (2) terms as a member of the executive committee: provided that service for a partial term of one year or less shall not be counted toward the two (2) term limitation.

B. In addition there shall be an advisory board. This board, selected by the commission, shall be comprised of a minimum of eight (8) members whose term of service shall be for one year. The guiding principle for the composition of the membership on the advisory board of each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, marine trades, water quality and environmental standards.

C. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to the state of Rhode Island and the Commonwealth of Massachusetts.

D. The commission may establish such additional committees as its bylaws may provide.

## ARTICLE VII FINANCE

A. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to article III(G) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III(G) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

B. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

C. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

D. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

## ARTICLE VIII ELIGIBLE PARTIES: ENTRY INTO AND WITHDRAWAL

A. This compact shall have as eligible parties the state of Rhode Island and the Commonwealth of Massachusetts.

B. Adoption of the compact may be either by enactment thereof, or by adherence thereto by the governor; provided, that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1991.

C. Except for withdrawal effective on December 31, 1991, in accordance with paragraph B of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governor of the other party state. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

## ARTICLE IX CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of either state or of the United States,

or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

**History of Section.**

(P.L. 1990, ch. 216, § 1; P.L. 1990, ch. 254, § 1; P.L. 2001, ch. 180, § 126.)