

HOUSE BILL No. 2183

By Committee on Agriculture and Natural Resources

2-7

1 AN ACT concerning environmental protection; relating to the interstate
2 environmental freedom compact.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. The governor may enter the interstate environmental
6 freedom compact on behalf of the state in a form substantially as follows:

7 INTERSTATE ENVIRONMENTAL FREEDOM COMPACT

8 The party states agree to the following articles of the interstate
9 environmental freedom compact.

10 Article I Findings and Declaration of Policy

11 Interstate environmental freedom compact

12 (a) 4 U.S.C. § 112 gives congressional consent to any two or more
13 states to enter agreements or compacts for cooperative effort and mutual
14 assistance in the prevention of crime and in the enforcement of their
15 respective criminal laws and policies, and to establish such agencies, joint
16 or otherwise, as they may deem desirable for making effective such
17 agreements and compacts.

18 (b) Pursuant to their police powers to protect public health, safety,
19 welfare and morals, the party states have enacted or anticipate enacting
20 laws or constitutional provisions to protect and guarantee their residents'
21 environmental rights and freedoms.

22 (c) The party states have enacted or anticipate enacting laws that
23 make it a crime in their states for anyone to interfere with their residents'
24 enjoyment of the rights and freedoms guaranteed by their respective
25 environmental freedom laws.

26 (d) The party states find it necessary and deem it desirable for
27 making effective their respective current or anticipated environmental
28 freedom laws, as well as this agreement and compact, to do the following:

29 (1) Prohibit any governmental agent from depriving any resident of
30 any party state of the rights and freedoms guaranteed under their
31 respective current or anticipated environmental freedom criminal laws.

32 (2) Prohibit any governmental agent from penalizing any resident of
33 any party state for exercising the rights and freedoms guaranteed under
34 the respective current or anticipated environmental freedom laws.

35 (3) Cooperate with each other and to give each other mutual
36 assistance in the prevention of crimes under the environmental freedom

1 criminal laws of any party state.

2 (4) Cooperate with each other and to give each other mutual
3 assistance in the criminal prosecution of anyone who violates the
4 environmental freedom criminal laws of any party state.

5 Article II Definitions

6 As used in this compact:

7 (a) "Compel" includes legal mandates, penalties, or fines.

8 (b) "Environmental freedom laws" means any state law or
9 constitutional provision that protects and guarantees a resident's freedom
10 to engage in any conduct allowed by the environmental law or rule of a
11 party state.

12 (c) "Environmental freedom criminal laws" means any state law that
13 makes it a crime for anyone to interfere with a resident's enjoyment of the
14 freedoms protected and guaranteed by the state's respective
15 environmental freedom laws.

16 (d) "Penalty" means any civil or criminal penalty or fine, tax, salary,
17 or wage withholding or surcharge, or any named fee with a similar effect
18 established by law or rule by a government established, created or
19 controlled agency that is used to punish or discourage the exercise of
20 rights protected under this state's environmental freedom laws.

21 (e) "State" means a state of the United States.

22 Article III Terms

23 (a) Each party state shall give full faith and credit to the
24 environmental freedom criminal laws and environmental freedom laws of
25 every party state.

26 (b) A governmental agent may not deprive any resident of any party
27 state of the rights and freedoms protected under the resident's respective
28 state environmental freedom criminal laws and guaranteed by the
29 resident's respective state environmental freedom laws.

30 (c) Governmental agents may not penalize any resident of any party
31 state for exercising the rights and freedoms protected under the resident's
32 respective state environmental freedom criminal laws and guaranteed by
33 the resident's respective state environmental freedom laws.

34 (d) The party states shall cooperate with each other and give each
35 other mutual assistance in the prevention of crimes under the
36 environmental freedom criminal laws of any party state.

37 (e) The party states shall cooperate with each other and give each
38 other mutual assistance in the criminal prosecution of anyone who
39 violates the environmental freedom criminal laws of any party state.

40 Article IV Enforcement

41 (a) Notwithstanding any state or federal law to the contrary, the chief
42 law enforcement officer of each party state shall enforce this agreement
43 and compact.

1 (b) Notwithstanding any state or federal law to the contrary,
2 taxpaying residents of any party state have standing in the courts of any
3 party state to compel the chief law enforcement officer of any party state
4 to enforce this agreement and compact.

5 (a) The governor of each party state, or the governor's designee, is
6 the compact administrator of this compact for the governor's state. The
7 compact administrator shall:

8 (1) Maintain an accurate list of all party states;

9 (2) consistent with subsections (3) and (4), transmit in a timely
10 fashion to other party states, as provided herein, citations of all current
11 environmental freedom laws and current environmental freedom criminal
12 laws of the compact administrator's respective state;

13 (3) receive and maintain a complete listing of the environmental
14 freedom laws and environmental freedom criminal laws of each party
15 state;

16 (4) formulate all necessary and proper procedures to effectuate this
17 compact; and

18 (5) delegate, as appropriate, needed tasks to other state agencies.

19 (b) The compact administrator of each party state shall furnish to the
20 compact administrator of each other's party state any information or
21 documents reasonably necessary to facilitate the enforcement and
22 administration of this compact.

23 (c) Within 10 days after executing this agreement and compact, and
24 thereafter on the close of each of their respective succeeding legislative
25 sessions, the party states shall notify each other in writing and by
26 appropriate citation of each of their current environmental freedom laws,
27 which shall be deemed within the subject matter of this agreement and
28 compact, unless the compact administrator of one or more party states
29 gives specific notice in writing to all other party states, within 60 days of
30 such notice, that it objects to the inclusion of such law or laws in this
31 agreement and compact.

32 (d) Within 10 days after executing this agreement and compact, and
33 thereafter on the close of each of their respective succeeding legislative
34 sessions, the party states shall notify each other in writing and by
35 appropriate citation of each of their current environmental freedom
36 criminal laws, which shall be deemed within the subject matter of this
37 agreement and compact, unless the compact administrator of one or more
38 party states gives specific notice in writing to all other party states within
39 60 days of such notice, that it objects to the inclusion of such law or laws
40 in this agreement and compact.

41 Article VI Entry Into Effect and Withdrawal

42 (a) This compact is deemed accepted when at least two states deliver
43 a notice of confirmation, which is duly executed by their respective

1 authorized representatives, acknowledging complete agreement to the
2 terms of this compact, to each other's governor, the office of the clerk of
3 the United States house of representatives, the office of the secretary of
4 the United States senate, the president of the United States senate, and the
5 speaker of the United States house of representatives. Thereafter, the
6 compact is deemed accepted by any state when a respective notice of
7 confirmation, which is duly executed by the state's respective authorized
8 representatives, acknowledging complete agreement to the terms of this
9 compact, is delivered to each party state's compact administrator, the
10 office of the clerk of the United States house of representatives, the office
11 of the secretary of the United States senate, the president of the United
12 States senate, and the speaker of the United States house of
13 representatives.

14 (b) Four years after this compact first becomes effective, any party
15 state may withdraw from this compact by enacting a joint resolution
16 declaring such withdrawal and delivering notice of the withdrawal to each
17 other party state. A withdrawal does not affect the validity or applicability
18 of the compact to states remaining party to the compact.

19 Article VII Construction and Severability

20 (a) This compact must be liberally construed so as to effectuate the
21 purposes thereof.

22 (b) This compact is intended to operate as the law of the nation with
23 respect to the party states under 4 U.S.C. § 112, to supersede any
24 inconsistent state and federal law and to establish vested rights in favor of
25 residents of the party states in the enjoyment of the rights and freedoms
26 protected by the respective environmental freedom criminal laws and
27 guaranteed by the respective environmental freedom laws.

28 (c) If any phrase, clause, sentence, or provision of this compact is
29 declared in a final judgment by a court of competent jurisdiction to be
30 contrary to the constitution of the United States or otherwise held invalid,
31 it must be severed from this compact, and the validity of the remainder of
32 this compact is not affected thereby.

33 (d) If the applicability of any phrase, clause, sentence, or provision
34 of this compact to any government, agency, person, or circumstance is
35 declared in a final judgment by a court of competent jurisdiction to be
36 contrary to the constitution of the United States or otherwise held invalid,
37 it must be severed from this compact, and the validity of the remainder of
38 this compact and the applicability thereof to any government, agency,
39 person or circumstance is not affected thereby.

40 (e) If this compact is held contrary to the constitution of any party
41 state thereto, the compact must remain in full force and effect as to the
42 remaining party states and in full force and effect as to the state affected
43 as to all severable matters.

1 Sec. 2. This act shall take effect and be in force from and after its
2 publication in the statute book.
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