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

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

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

INTERSTATE ENVIRONMENTAL FREEDOM COMPACT

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

Article I Findings and Declaration of Policy

Interstate environmental freedom compact

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

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

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

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

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

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

(3) Cooperate with each other and to give each other mutual assistance in the prevention of crimes under the environmental freedom
criminal laws of any party state.

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

Article II Definitions
As used in this compact:
(a) "Compel" includes legal mandates, penalties, or fines.
(b) "Environmental freedom laws" means any state law or constitutional provision that protects and guarantees a resident's freedom to engage in any conduct allowed by the environmental law or rule of a party state.
(c) "Environmental freedom criminal laws" means any state law that makes it a crime for anyone to interfere with a resident's enjoyment of the freedoms protected and guaranteed by the state's respective environmental freedom laws.
(d) "Penalty" means any civil or criminal penalty or fine, tax, salary, or wage withholding or surcharge, or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this state's environmental freedom laws.
(e) "State" means a state of the United States.

Article III Terms
(a) Each party state shall give full faith and credit to the environmental freedom criminal laws and environmental freedom laws of every party state.
(b) A governmental agent may not deprive any resident of any party state of the rights and freedoms protected under the resident's respective state environmental freedom criminal laws and guaranteed by the resident's respective state environmental freedom laws.
(c) Governmental agents may not penalize any resident of any party state for exercising the rights and freedoms protected under the resident's respective state environmental freedom criminal laws and guaranteed by the resident's respective state environmental freedom laws.
(d) The party states shall cooperate with each other and give each other mutual assistance in the prevention of crimes under the environmental freedom criminal laws of any party state.
(e) The party states shall cooperate with each other and give each other mutual assistance in the criminal prosecution of anyone who violates the environmental freedom criminal laws of any party state.

Article IV Enforcement
(a) Notwithstanding any state or federal law to the contrary, the chief law enforcement officer of each party state shall enforce this agreement and compact.
(b) Notwithstanding any state or federal law to the contrary, taxing residents of any party state have standing in the courts of any party state to compel the chief law enforcement officer of any party state to enforce this agreement and compact.

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

(1) Maintain an accurate list of all party states;
(2) consistent with subsections (3) and (4), transmit in a timely fashion to other party states, as provided herein, citations of all current environmental freedom laws and current environmental freedom criminal laws of the compact administrator's respective state;
(3) receive and maintain a complete listing of the environmental freedom laws and environmental freedom criminal laws of each party state;
(4) formulate all necessary and proper procedures to effectuate this compact; and
(5) delegate, as appropriate, needed tasks to other state agencies.

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

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

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

Article VI Entry Into Effect and Withdrawal

(a) This compact is deemed accepted when at least two states deliver a notice of confirmation, which is duly executed by their respective
authorized representatives, acknowledging complete agreement to the
terms of this compact, to each other's governor, the office of the clerk of
the United States house of representatives, the office of the secretary of
the United States senate, the president of the United States senate, and the
speaker of the United States house of representatives. Thereafter, the
compact is deemed accepted by any state when a respective notice of
confirmation, which is duly executed by the state's respective authorized
representatives, acknowledging complete agreement to the terms of this
compact, is delivered to each party state's compact administrator, the
office of the clerk of the United States house of representatives, the office
of the secretary of the United States senate, the president of the United
States senate, and the speaker of the United States house of
representatives.

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

Article VII Construction and Severability

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

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

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

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

(e) If this compact is held contrary to the constitution of any party
state thereto, the compact must remain in full force and effect as to the
remaining party states and in full force and effect as to the state affected
as to all severable matters.
Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.