

HOUSE BILL 716

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2000 Regular Session
0lr1116

By: **Delegate Heller (Chairman, Joint Committee on Federal Relations)**

Introduced and read first time: February 10, 2000

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2000

CHAPTER_____

1 AN ACT concerning

2 **Natural Resources - Interstate Environment Compact - Repealing**

3 FOR the purpose of repealing certain provisions of law concerning the Interstate
4 Environment Compact; repealing provisions of law concerning the findings,
5 purpose, reservations of power, short title, definitions, purposes, limitations,
6 construction, and effective date of the compact; repealing provisions of law
7 concerning intergovernmental cooperation and supplementary agreements
8 under the compact; repealing provisions of law concerning amendments to the
9 compact; and generally relating to the Interstate Environment Compact.

10 BY repealing

11 Article - Natural Resources

12 Section 3-501 and the subtitle "Subtitle 5. Interstate Environment Compact"

13 Annotated Code of Maryland

14 (1997 Replacement Volume and 1999 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

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Article - Natural Resources

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[Subtitle 5. Interstate Environment Compact.]

3 [3-501.

4

INTERSTATE ENVIRONMENT COMPACT

5

Article 1

6

Findings, Purposes, and Reservations of Power

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(a) Signatory states hereby find and declare:

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(1) Unabated pollution of our environment threatens the general welfare

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of the nation and its citizens.

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(2) The condition of our environment, and the enhancement of that

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environment, is a matter of national, regional, state, and local concern.

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(3) The solution to environmental problems which transcend state

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boundaries, requires cooperation among adjoining jurisdictions.

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(4) Efforts to obtain a quality environment must be better coordinated,

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intensified, and made more effective at all levels of government.

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(5) It is in the common interest of all jurisdictions to act cooperatively to

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resolve their mutual environmental problems.

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(b) The purposes of the signatories in enacting this compact are:

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(1) To assist and participate in the national environment protection

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programs as set forth in federal legislation; to promote intergovernmental cooperation

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for multistate action relating to environmental protection through interstate

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agreements; and to encourage cooperative and coordinated environmental protection

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by the signatories and the federal government;

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(2) To preserve and utilize the functions, powers, and duties of existing

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state agencies of government to the maximum extent possible consistent with the

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purposes of the compact.

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(c) (1) Nothing contained in this compact shall impair, affect, or extend the

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constitutional authority of the United States.

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(2) Nothing in this compact shall be deemed to impair or affect any

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rights, powers, duties, or responsibilities vested by law in the United States, its

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agencies or instrumentalities.

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(d) Nothing contained in this compact shall impair or extend the

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constitutional authority of any signatory, nor shall the police powers of any signatory

1 be affected except as expressly provided in a supplementary agreement under Article
2 4.

3 Article 2
4 Short Title, Definitions, Purposes, and Limitations

5 (e) This compact shall be known and may be cited as the Interstate
6 Environment Compact.

7 (f) For the purpose of this compact and of any supplemental or concurring
8 legislation enacted pursuant or in relation hereto, except as may be otherwise
9 required by the context:

10 (1) "State" shall mean any state of the United States of America, the
11 District of Columbia, the Commonwealth of Puerto Rico, and the territories and
12 possessions of the United States.

13 (2) "Interstate environmental pollution" shall mean any pollution of a
14 stream or body of water crossing or marking a state boundary, pollution of an
15 interstate air quality control region, any solid waste disposal program participated in
16 by more than one state, or land use practice affecting the environment of more than
17 one state.

18 (3) "Government" shall mean the government of the United States or a
19 signatory state.

20 (4) "Federal government" shall mean the government of the United
21 States of America and any appropriate department, instrumentality, agency,
22 commission, bureau, division, branch or other unit thereof, as the case may be, but
23 shall not include the District of Columbia.

24 (5) "Signatory" shall mean any state which enters into this compact.

25 Article 3
26 Intergovernmental Cooperation

27 (g) Signatories are hereby authorized jointly to participate in cooperative or
28 joint undertakings for the protection of the interstate environment with the federal
29 government or with any intergovernmental or interstate agencies.

30 Article 4
31 Supplementary Agreements

32 (h) Signatories may enter into agreements for the purpose of controlling
33 interstate environmental pollution problems not inconsistent with applicable federal
34 legislation and under terms and conditions as deemed appropriate by the agreeing
35 parties under subsection (m) and subsection (o).

1 (i) The signatories agree that existing federal-state, federal-interstate or
2 other intergovernmental arrangements which are not primarily directed to
3 environmental protection purposes as defined herein are not affected by this compact.

4 (j) All existing interstate and federal-interstate compacts directly relating to
5 environmental protection are hereby expressly recognized and nothing in this
6 compact shall be construed to diminish or supersede the powers and functions of such
7 existing intergovernmental agreements and the organizations created by them.

8 (k) Recognition herein of multistate commissions and compacts shall not be
9 construed to limit directly or indirectly the creation of additional multistate
10 organizations or interstate compacts, nor to prevent termination, modification,
11 extension, or supplementation of such multistate organizations and interstate
12 compacts.

13 (l) Nothing in this compact shall be construed to prevent signatories from
14 entering into multistate organizations or other interstate compacts which do not
15 conflict with their obligations under this compact or supplementary agreements.

16 (m) Any two or more signatories may enter into supplementary agreements for
17 joint, coordinated or mutual environmental pollution management activities relating
18 to interstate environmental pollution problems common to the jurisdictions of such
19 signatories and for the establishment of common or joint regulation, management,
20 services, agencies, or facilities for such purposes or may designate an appropriate
21 agency to act as their joint agency in regard thereto. No supplementary agreement
22 shall be valid to the extent that it conflicts with the purposes of this compact or with
23 the laws of the United States and the creation of a joint agency by supplementary
24 agreement shall not affect the privileges, powers, responsibilities or duties under this
25 compact of signatories participating therein.

26 (n) The chief executive is authorized to enter into supplementary agreements
27 for the signatory and his official signature shall render the agreement immediately
28 binding upon the signatory:

29 Provided that:

30 (1) The legislative body of any signatory entering into such a
31 supplementary agreement shall at its next legislative session competent to consider
32 the same bring the supplementary agreement before it and by appropriate legislative
33 action approve, disapprove, or condition the agreement of that signatory.

34 (2) Nothing in this compact shall be construed to limit the right of
35 Congress by act of law expressly enacted thereafter for that purpose to disapprove or
36 condition a supplementary agreement.

37 (o) Signatories may enter into special supplementary agreements with foreign
38 nations in the manner provided in subsection (n) for the same purposes and with the
39 same powers as under subsection (m) upon the condition that such non-signatory
40 party accept the general obligations of signatories under this compact: Provided, that

1 special supplementary agreements shall become effective only after being consented
2 to by the Congress.

3 (p) Nothing in this compact shall be construed to restrict, relinquish or be in
4 derogation of, any power or authority constitutionally possessed by any signatory
5 within its jurisdiction, except as specifically provided in a supplementary agreement.

6 (q) Signatories may enact such additional legislation as may be deemed
7 appropriate to enable their officers and governmental agencies to accomplish
8 effectively the purposes of this compact and supplementary agreements.

9 (r) Supplementary agreements may be amended in the manner provided in
10 subsection (n) for the same purposes as provided in subsection (m).

11 (s) Any person who is a party in interest may commence a civil action on his
12 own behalf against any signatory or any common or joint agency established by
13 supplementary agreement (to the extent permitted by the Eleventh Amendment to
14 the Constitution) to enjoin any violation of this compact whenever such action
15 constitutes a case or controversy. The district courts of the United States shall have
16 jurisdiction, without regard to the amount in controversy or the citizenship of the
17 parties, over any such action. For purposes of this section the term "person" means
18 any individual or organization; or any department, agency or instrumentality of the
19 United States, a state or local government, the District of Columbia, the
20 Commonwealth of Puerto Rico, or a possession of the United States.

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Article 5
Construction, Amendment and Effective Date

23 (t) No provision of this compact or a supplementary agreement shall be
24 construed as invalidating any provision of law of any signatory, or as limiting the
25 enactment or enforcement of any legislation or regulations by any signatory imposing
26 additional conditions and restrictions to further lessen or prevent environmental
27 pollution within its jurisdiction: Provided, that such conditions and restrictions shall
28 not interfere with the realization by any other signatory of benefits originally
29 contemplated by such agreement, or any amendment thereto.

30 (u) The provisions of this compact or of supplementary agreements shall be
31 severable and if any phrase, clause, sentence or provision of this compact, or a
32 supplementary agreement is declared to be contrary to the Constitution of any
33 signatory or of the United States or is held invalid, the constitutionality of the
34 remainder of this compact or of the supplementary agreement and the applicability
35 thereof to any participating jurisdiction, agency, person or circumstance shall not be
36 affected thereby and shall remain in full force and effect as to the remaining
37 participating jurisdiction and in full force and effect as to the signatory affected as to
38 all severable matters. It is the intent of the signatories that the provisions of this
39 compact shall be reasonably and liberally construed in the context of its purposes.

40 (v) Amendments to this compact shall become effective when approved by
41 Congress and may be adopted by any signatory.

1 (w) This compact shall become binding on a state when enacted by it into law
2 and such state shall thereafter be a signatory.

3 (x) A signatory may withdraw from this compact by legislative act.
4 Withdrawal shall be effective one year after written notification of withdrawal to all
5 signatories: Provided, withdrawal from the compact shall not affect supplementary
6 agreement obligations of signatories except as provided by the terms of such
7 supplementary agreements.]

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2000.