S T A T E O F N E W Y O R K

6487

2013-2014 Regular Sessions

I N A S S E M B L Y

April 4, 2013

Introduced by M. of A. CORWIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to inter-governmental pollution control compacts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 21 of the environmental conservation law is amended by adding a new title 18 to read as follows:

TITLE 18

INTER-GOVERNMENTAL POLLUTION CONTROL COMPACTS

SECTION 21-1801. INTER-GOVERNMENTAL POLLUTION CONTROL COMPACTS.

S 21-1801. INTER-GOVERNMENTAL POLLUTION CONTROL COMPACTS. 1. THE STATE SHALL NOT ENTER INTO ANY COMPACT, PROGRAM, MEMORANDUM OF UNDERSTANDING, OR OTHER LEGAL AGREEMENT WHICH ADDRESSES POLLUTION CONTROL OF ANY KIND, WITH ANY OTHER GOVERNMENT, DOMESTIC OR FOREIGN, UNLESS SUCH COMPACT, PROGRAM, MEMORANDUM OF UNDERSTANDING, OR OTHER LEGAL AGREEMENT IS ENACTED THROUGH THE PASSAGE OF ENABLING LEGISLATION. ANY RETROACTIVE COMPACT, PROGRAM, MEMORANDUM OF UNDERSTANDING, OR OTHER LEGAL AGREEMENT WHICH ADDRESSES POLLUTION CONTROL OF ANY KIND THAT IS ENTERED INTO SOLELY THROUGH EXECUTIVE REGULATORY ACTION SHALL BE NULLIFIED IN ADHERENCE TO THE PROVISIONS OF THIS SECTION, UNLESS OTHERWISE APPROVED BY THE LEGISLATURE.

2. THE DEPARTMENT SHALL IDENTIFY ALL INTER-GOVERNMENTAL POLLUTION CONTROL COMPACTS WHICH WERE ENTERED INTO WITHOUT LEGISLATIVE APPROVAL AND PROVIDE THE LEGISLATURE WITH A LIST OF SUCH INTER-GOVERNMENTAL POLLUTION CONTROL COMPACTS NO LATER THAN ONE HUNDRED EIGHTY DAYS FROM THE TIME THIS ACT SHALL HAVE BECOME LAW.

3. FAILURE TO APPROVE AN INTER-GOVERNMENTAL POLLUTION CONTROL COMPACT BY VOTE OF THE LEGISLATURE WITHIN THREE HUNDRED SIXTY-FIVE DAYS OF THE RECEIPT OF THE DEPARTMENT'S LIST SHALL RESULT IN SUCH COMPACT'S NULLIFICATION.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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