

SECOND REGULAR SESSION

# HOUSE BILL NO. 1470

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BURLISON.

4612H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 643, RSMo, by adding thereto one new section relating to the interstate power compact.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 643, RSMo, is amended by adding thereto one new section, to be known as section 643.660, to read as follows:

**643.660. The “Interstate Power Compact” is hereby enacted into law and entered into by this state with all other states legally joining therein in the form substantially as follows:**

**THE INTERSTATE POWER COMPACT**

**ARTICLE I. POLICY AND PURPOSE**

There is created the “Interstate Power Compact”. The purpose of this compact is to protect member states’ sovereignty and the assurances granted under Amendment X of the Constitution of the United States. In accomplishing this, member states shall work in isolation, or with other member states, to formulate plans for restoring the primary responsibility of state and local governments in the prevention of air pollution and the control of air pollution at its source, in accordance with 42 U.S.C section 7401(a)(3) of the federal Clean Air Act (42 U.S.C. section 7401 et. seq). Member states agree that section 111(d) of the Clean Air Act lacks a statutory and constitutional foundation.

**ARTICLE II. DEFINITIONS**

As used in this compact, unless the context clearly requires a different construction:

a. “Compact”, means the Interstate Power Compact.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17           **b. “Member State”, means a state that is a signatory to this compact and has**  
18 **adopted it under the laws of that state.**

19           **c. “State” or “States”, means the several states, the Commonwealth of Puerto Rico,**  
20 **the District of Columbia, and all United States territorial possessions. Where contextually**  
21 **appropriate, the term shall be construed to include all of its branches, departments,**  
22 **agencies, political subdivisions, officers, and representatives acting in their official**  
23 **capacity.**

24           **ARTICLE III. PLEDGE**

25           **a. No agency, political subdivision, or official of any member state will submit any**  
26 **filing in partial or complete fulfillment of the state plan requirements under the**  
27 **Environmental Protection Agency’s (EPA) section 111(d) rules, unless the filing involves**  
28 **emission limits or budgets derived only from assumptions of what is technically achievable**  
29 **inside the physical boundaries of the electrical generating units using the same fuel and**  
30 **boiler design that is currently in place at those units consistent with the Clean Air Act.**

31           **b. Upon Congressional assent to this compact, the EPA shall be prohibited from**  
32 **imposing any measures under a federal plan with respect to a member state if such state**  
33 **fails to file a fully approvable state plan. Member states shall take joint and separate**  
34 **action to secure the consent of the United States Congress to this compact.**

35           **ARTICLE IV. AMENDMENTS**

36           **a. This compact may be amended by unanimous agreement of the member states**  
37 **without prior consent or approval of Congress. By consenting to this compact, the United**  
38 **States Congress consents to any amendment adopted under this compact unless, within one**  
39 **year, Congress disapproves that amendment.**

40           **b. In as much as it is probable that regulation of air and water pollution may differ**  
41 **between two or more states and member states that are party hereto, this compact contains**  
42 **elements of a broad base common to all states, and nothing herein shall preclude any state**  
43 **entering into a supplementary agreement in force between states. Supplementary**  
44 **agreements may comprehend but shall not be limited to, provisions for the exchange of**  
45 **public utilities, electricity, personnel, equipment, and supplies.**

46           **ARTICLE V. EFFECTIVENESS, WITHDRAWAL, AND DISSOLUTION**

47           **a. This compact shall become effective on the date when it has been adopted by two**  
48 **or more member states.**

49           **b. Any member state may withdraw from this compact by enacting a statute**  
50 **repealing the same, but no such withdrawal shall take effect until thirty days after the**  
51 **governor of the withdrawing state has given notice of writing of such withdrawal to the**

52 **governors of all member states. Such action shall not relieve the withdrawing state from**  
53 **obligations assumed hereunder prior to the effective date of withdrawal.**

54 **c. This compact shall be dissolved upon the withdrawal of all but one of the**  
55 **member states.**

56 **ARTICLE VI. VALIDITY, CONSTRUCTION, AND SEVERABILITY**

57 **a. This compact shall be construed to effectuate the purposes state in Article II. If**  
58 **any provision of this compact is declared unconstitutional, or the applicability thereof to**  
59 **any person or circumstances is held to be invalid, the constitutionality of the remainder of**  
60 **this compact and the applicability thereof to other persons and circumstances shall not be**  
61 **affected. If any provision of this compact results in a requirement of congressional**  
62 **consent, the remainder of this compact shall be effective as provided in Article III, without**  
63 **the need for congressional consent.**

64 **b. It is intended that the provisions of this compact shall be reasonably and**  
65 **liberally construed to effectuate the purposes thereof. If any part or application of this**  
66 **compact, or legislation enabling the compact, is held invalid, the remainder of this compact**  
67 **or its application to other situations or persons shall not be affected.**

68 **c. The validity of this compact shall not be affected by an insubstantial difference**  
69 **in its form or language as adopted by the states.**

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