WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 692

(By Mr. Kopp and Mr. Peter)

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PASSED February 12, 1974

In Effect July 1, 1974 Passage

C 641
AN ACT to amend and reenact section one, article six-b, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to financial affairs of the interstate mining commission; allocating among the party states to the interstate mining compact the amounts of legislative appropriations expected of each party state.

Be it enacted by the Legislature of West Virginia:

That section one, article six-b, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6B. INTERSTATE MINING COMPACT.

§20-6B-1. Enactment of compact.

The "Interstate Mining Compact" is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

INTERSTATE MINING COMPACT

Article 1. Findings and Purposes.

(a) The party states find that:

(1) Mining and the contributions thereof to the economy and well-being of every state are of basic significance.

(2) The effects of mining on the availability of land, water and other resources for other uses present special
problems which properly can be approached only with due 
consideration for the rights and interests of those engaged 
in mining, those using or proposing to use these resources 
for other purposes and the public.

(3) Measures for the reduction of the adverse effects 
of mining on land, water and other resources may be costly 
and the devising of means to deal with them are of both 
public and private concern.

(4) Such variables as soil structure and composition, 
physiography, climatic conditions and the needs of the public 
make impracticable the application to all mining areas of a 
single standard for the conservation, adaption or restoration 
of mined land, or the development of mineral and other 
natural resources, but justifiable requirements of law and 
practice relating to the effects of mining on land, water 
and other resources may be reduced in equity or effectiveness 
unless they pertain similarly from state to state for all mining 
operations similarly situated.

(5) The states are in a position and have the respon-
sibility to assure that mining shall be conducted in accordance 
with sound conservation principles, and with due regard 
for local conditions.

(b) The purposes of this compact are to:

(1) Advance the protection and restoration of land, water 
and other resources affected by mining.

(2) Assist in the reduction or elimination or counteracting 
of pollution or deterioration of land, water and air attributable 
to mining.

(3) Encourage, with due recognition of relevant regional, 
physical and other differences, programs in each of the party 
states which will achieve comparable results in protecting, 
conserving and improving the usefulness of natural resources, 
to the end that the most desirable conduct of mining and related 
operations may be universally facilitated.

(4) Assist the party states in their efforts to facilitate the 
use of land and other resources affected by mining, so that 
such use may be consistent with sound land use, public
health and public safety, and to this end to study and recom-
mand, wherever desirable, techniques for the improvement,
restoration or protection of such land and other resources.

(5) Assist in achieving and maintaining an efficient and
productive mining industry and in increasing economic and
other benefits attributable to mining.

Article II. Definitions.

As used in this compact, the term:

(a) "Mining" means the breaking of the surface soil in
order to facilitate or accomplish the extraction or removal
of minerals, ores or other solid matter, any activity or pro-
cess constituting all or part of a process for the extraction
or removal of minerals, ores and other solid matter from
its original location, and the preparation, washing, cleaning
or other treatment of minerals, ores or other solid matter
so as to make them suitable for commercial, industrial or
construction use; but shall not include those aspects of
deep mining not having significant effect on the surface,
and shall not include excavation or grading when conducted
solely in aid of on-site farming or construction.

(b) "State" means a state of the United States, the
District of Columbia, the commonwealth of Puerto Rico or a
territory or possession of the United States.

Article III. State Programs.

Each party state agrees that within a reasonable time
it will formulate and establish an effective program for the
conservation and use of mined land, by the establishment of
standards, enactment of laws or the continuing of the same
in force, to accomplish:

(a) The protection of the public and the protection of
adjoining and other landowners from damage to their lands
and the structures and other property thereon resulting from
the conduct of mining operations or the abandonment or
neglect of land and property formerly used in the conduct of
such operations.

(b) The conduct of mining and the handling of refuse
and other mining wastes in ways that will reduce adverse
effects on the economic, residential, recreational or aesthetic value and utility of land and water.

(c) The institution and maintenance of suitable programs for adaption, restoration and rehabilitation of mined lands.

(d) The prevention, abatement and control of water, air and soil pollution resulting from mining, present, past and future.

Article IV. Powers.

In addition to any other powers conferred upon the interstate mining commission, established by Article V of this compact, such commission shall have power to:

(a) Study mining operations, processes and techniques for the purpose of gaining knowledge concerning the effects of such operations, processes and techniques on land, soil, water, air, plant and animal life, recreation and patterns of community or regional development or change.

(b) Study the conservation, adaptation, improvement and restoration of land and related resources affected by mining.

(c) Make recommendations concerning any aspect or aspects of law or practice and governmental administration dealing with matters within the purview of this compact.

(d) Gather and disseminate information relating to any of the matters within the purview of this compact.

(e) Cooperate with the federal government and any public or private entities having interests in any subject coming within the purview of this compact.

(f) Consult, upon the request of a party state and within resources available therefor, with the officials of such state in respect to any problem within the purview of this compact.

(g) Study and make recommendations with respect to any practice, process, technique or course of action that may improve the efficiency of mining or the economic yield from mining operations.

(h) Study and make recommendations relating to the
safeguarding of access to resources which are or may become
the subject of mining operations to the end that the needs
of the economy for the products of mining may not be
adversely affected by unplanned or inappropriate use of land
and other resources containing minerals or otherwise con-

nected with actual or potential mining sites.

Article V. The Commission.

(a) There is hereby created an agency of the party states
to be known as the “Interstate Mining Commission,” here-
inafter called “the commission.” The commission shall be
composed of one commissioner from each party state who
shall be the governor thereof. Pursuant to the laws of his
party state, each governor shall have the assistance of an
advisory body (including membership from mining industries,
conservation interests and such other public and private
interests as may be appropriate) in considering problems re-
lating to mining and in discharging his responsibilities as
the commissioner of his state on the commission. In any
instance where a governor is unable to attend a meeting of
the commission or perform any other function in connection
with the business of the commission, he shall designate an
alternate from among the members of the advisory body
required by this paragraph, who shall represent him and act
in his place and stead. The designation of an alternate
shall be communicated by the governor to the commission in
such manner as its bylaws may provide.

(b) The commissioners shall be entitled to one vote each
on the commission. No action of the commission making a
recommendation pursuant to Articles IV (c), IV (g) and IV
(h) or requesting, accepting or disposing of funds, services
or other property pursuant to this paragraph, Articles V
(g), V (h) or VII shall be valid unless taken at a meeting
at which a majority of the total number of votes on the
commission is cast in favor thereof. All other action shall
be by a majority of those present and voting: Provided,
That action of the commission shall be only at a meeting at
which a majority of the commissioners, or their alternates,
is present. The commission may establish and maintain such
facilities as may be necessary for the transacting of its
business. The commission may acquire, hold and convey real
and personal property and any interest therein.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its
members, a chairman, a vice chairman, and a treasurer. The
commission shall appoint an executive director and fix his
duties and compensation. Such executive director shall serve
at the pleasure of the commission. The executive director, the
treasurer and such other personnel as the commission shall
designate shall be bonded. The amount or amounts of such
bond or bonds shall be determined by the commission.

(e) Irrespective of the civil service, personnel or other
merit system laws of any of the party states, the executive
director with the approval of the commission, shall appoint,
remove or discharge such personnel as may be necessary for
the performance of the commission's functions, and shall
fix the duties and compensation of such personnel.

(f) The commission may establish and maintain, inde-
dependently or in conjunction with a party state, a suitable
retirement system for its employees. Employees of the com-
misson shall be eligible for social security coverage in respect
of old age and survivor's insurance: Provided, That the
commission take such steps as may be necessary pursuant
to the laws of the United States to participate in such
program of insurance as a governmental agency or unit.
The commission may establish and maintain or participate in
such additional programs of employee benefits as it may
deem appropriate.

(g) The commission may borrow, accept or contract for
the services of personnel from any state, the United States
or any other governmental agency, or from any person, firm,
association or corporation.

(h) The commission may accept for any of its purposes
and functions under this compact any and all donations and
grants of money, equipment, supplies, materials and services,
conditional or otherwise, from any state, the United States
or any other governmental agency, or from any person,
firm, association or corporation, and may receive, utilize
and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (g) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed and the identity of the donor or lender.

(i) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

(j) The commission annually shall make to the governor, Legislature and advisory body required by Article V (a) of each party state or report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been made by the commission. The commission may make such additional reports as it may deem desirable.

Article VI. Advisory, Technical and Regional Committees.

The commission shall establish such advisory, technical and regional committees as it may deem necessary, membership on which shall include private persons and public officials, and shall cooperate with and use the services at any such committees and the organizations which the members represent in furthering any of its activities. Such committees may be formed to consider problems of special interest to any party states, problems dealing with particular commodities or types of mining operations, problems relating to reclamation, development or use of mined land or any other matters of concern to the commission.

Article VII. Finance.

(a) The commission shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such periods as may be required by the laws of that party state for presentation to the Legislature thereof.
(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: One half in equal shares, and the remainder in proportion to the value of minerals, ores and other solid matter mined. In determining such values, the commission shall employ such available public source or sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning value of minerals, ores and other solid matter mined.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article V (h) of this compact: Provided, That the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article V (h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or
inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article VIII. Entry Into Force and Withdrawal.

(a) This compact shall enter into force when enacted into law by any four or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article IX. Effect on Other Laws.

Nothing in this compact shall be construed to limit, repeal or supersede any other law of any party state.

Article X. Construction and Severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States on the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.
Takes effect July 1, 1974.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 20th day of February, 1974.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR
Date 2/15/74
Time 1:40 p.m.