

SENATE FILE NO. SF0034

Interstate Mining Compact commission membership.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to mines and mining; adopting the
2 Interstate Mining Compact; providing for the state of
3 Wyoming to become a full member of the Interstate Mining
4 Compact commission; providing for applicability;
5 authorizing the governor to appoint a designee to the
6 commission; repealing prior authorizing statutes; and
7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 30-4-103 through 30-4-108 are created
12 to read:

13

14 **30-4-103. Title.**

15

1 This act may be cited as the "Interstate Mining Compact".

2

3 **30-4-104. Interstate Mining Compact.**

4

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

8

9 Article I

10 Findings and Purposes

11

12 (a) The party states find that:

13

14 (i) Mining and the contributions thereof to the
15 economy and well-being of every state are of basic
16 significance;

17

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

1

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

6

7 (iv) Such variables as soil structure and
8 composition, physiography, climatic conditions, and the
9 needs of the public make impracticable the application to
10 all mining areas of a single standard for the conservation,
11 adaptation, or restoration of mined land, or the
12 development of mineral and other natural resources; but
13 justifiable requirements of law and practice relating to
14 the effects of mining on lands, water, and other resources
15 may be reduced in equity or effectiveness unless they
16 pertain similarly from state to state for all mining
17 operations similarly situated;

18

19 (v) The states are in a position and have the
20 responsibility to assure that mining shall be conducted in
21 accordance with sound conservation principles, and with due
22 regard for local conditions.

23

1 (b) The purposes of this compact are to:

2

3 (i) Advance the protection and restoration of
4 land, water and other resources affected by mining;

5

6 (ii) Assist in the reduction or elimination or
7 counteracting of pollution or deterioration of land, water
8 and air attributable to mining;

9

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

17

18 (iv) Assist the party states in their efforts to
19 facilitate the use of land and other resources affected by
20 mining, so that such use may be consistent with sound land
21 use, public health, and public safety, and to this end to
22 study and recommend, wherever desirable, techniques for the

1 improvement, restoration or protection of such land and
2 other resources;

3
4 (v) Assist in achieving and maintaining an
5 efficient and productive mining industry and in increasing
6 economic and other benefits attributable to mining.

7
8 Article II

9 Definitions

10
11 (a) As used in this compact, the term:

12
13 (i) "Mining" means the breaking of the surface
14 soil in order to facilitate or accomplish the extraction or
15 removal of minerals, ores, or other solid matter, any
16 activity or process constituting all or part of a process
17 for the extraction or removal of minerals, ores, and other
18 solid matter from its original location, and the
19 preparation, washing, cleaning, or other treatment of
20 minerals, ores, or other solid matter so as to make them
21 suitable for commercial, industrial, or construction use;
22 but shall not include those aspects of deep mining not
23 having significant effect on the surface, and shall not

1 include excavation of grading when conducted solely in aid
2 of on-site farming or construction;

3
4 (ii) "State" means a state of the United States,
5 the District of Columbia, the Commonwealth of Puerto Rico,
6 or a territory or possession of the United States.

7
8 Article III

9 State Programs

10
11 (a) Each party state agrees that within a reasonable
12 time it will formulate and establish an effective program
13 for the conservation and use of mined land, by the
14 establishment of standards, enactment of laws, or the
15 continuing of the same in force, to accomplish:

16
17 (i) The protection of the public and the
18 protection of adjoining and other landowners from damage to
19 their lands and the structures and other property thereon
20 resulting from the conduct of mining operations or the
21 abandonment or neglect of land and property formerly used
22 in the conduct of such operations;

1 (ii) The conduct of mining and the handling of
2 refuse and other mining wastes in ways that will reduce
3 adverse effects on the economic, residential, recreational
4 or aesthetic value and utility of land and water;

5
6 (iii) The institution and maintenance of
7 suitable programs of adaptation, restoration, and
8 rehabilitation of mined lands;

9
10 (iv) The prevention, abatement and control of
11 water, air and soil pollution resulting from mining -
12 present, past and future.

13
14 Article IV

15 Powers

16
17 (a) In addition to any other powers conferred upon
18 the interstate mining commission, established by article V
19 of this compact, such commission shall have power to:

20
21 (i) Study mining operations, processes and
22 techniques for the purpose of gaining knowledge concerning
23 the effects of such operations, processes and techniques on

1 land, soil, water, air, plant and animal life, recreation
2 and patterns of community or regional development or
3 change;

4

5 (ii) Study the conservation, adaptation,
6 improvement and restoration of land and related resources
7 affected by mining;

8

9 (iii) Make recommendations concerning any aspect
10 or aspects of law or practice and governmental
11 administration dealing with matters within the purview of
12 this compact;

13

14 (iv) Gather and disseminate information relating
15 to any of the matters within the purview of this compact;

16

17 (v) Cooperate with the federal government and
18 any public or private entities having interests in any
19 subject coming within the purview of this compact;

20

21 (vi) Consult, upon the request of a party state
22 and within available resources, with the officials of such

1 state in respect to any problem within the purview of this
2 compact;

3
4 (vii) Study and make recommendations with
5 respect to any practice, process, technique, or course of
6 action that may improve the efficiency of mining or the
7 economic yield from mining operations;

8
9 (viii) Study and make recommendations relating
10 to the safeguarding of access to resources which are or may
11 become the subject of mining operations to the end that the
12 needs of the economy for the products of mining may not be
13 adversely affected by unplanned or inappropriate use of
14 land and other resources containing minerals or otherwise
15 connected with actual or potential mining sites.

16
17 Article V

18 The Commission

19
20 (a) There is hereby created an agency of the party
21 states to be known as the "interstate mining commission",
22 hereinafter called "the commission". The commission shall
23 be composed of one (1) commissioner from each party state

1 who shall be the governor thereof. Pursuant to the laws of
2 the party state, each governor may have the assistance of
3 an advisory body (including membership from mining
4 industries, conservation interests, and such other and
5 private interests as may be appropriate) in considering
6 problems relating to mining and in discharging the
7 responsibilities as a commissioner on the commission. In
8 any instance where a governor is unable to attend a meeting
9 of the commission or perform any other function in
10 connection with the business of the commission, the
11 governor shall designate an alternate who shall represent
12 the state and act in the governor's place and stead. The
13 designation of an alternate shall be communicated by the
14 governor to the commission in such manner as its bylaws may
15 provide.

16

17 (b) The commissioners shall be entitled to one (1)
18 vote each on the commission. No action of the commission
19 making a recommendation pursuant to article IV(a)(iii),
20 IV(a)(vii), and IV(a)(viii) or requesting, accepting or
21 disposing of funds, services or other property pursuant to
22 this subsection, article V(g), (V)(h), or VII shall be
23 valid unless taken at a meeting at which a majority of the

1 total number of votes on the commission is cast in favor
2 thereof. All other action shall be by a majority of those
3 present and voting provided that action of the commission
4 shall be only at a meeting at which a majority of the
5 commissioners, or their alternates, are present. The
6 commission may establish and maintain such facilities as
7 may be necessary for the transaction of its business. The
8 commission may acquire, hold, and convey real and personal
9 property and any interest therein.

10

11 (c) The commission shall have a seal.

12

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

22

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

8
9 (f) The commission may establish and maintain
10 independently or in conjunction with a party state, a
11 suitable retirement system for its employees. Employees of
12 the commission shall be eligible for social security
13 coverage in respect of old age and survivor's insurance
14 provided that the commission takes such steps as may be
15 necessary pursuant to the laws of the United States, to
16 participate in such program of insurance as a governmental
17 agency or unit. The commission may establish and maintain
18 or participate in such additional programs of employee
19 benefits as it may deem appropriate.

20

21 (g) The commission may borrow, accept or contract for
22 the services of personnel from any state, the United

1 States, or any other governmental agency, or from any
2 person, firm, association or corporation.

3
4 (h) The commission may accept for any of its purposes
5 and functions under this compact any and all donations, and
6 grants of money, equipment, supplies, materials and
7 services, conditional or otherwise, from any state, the
8 United States, or any other governmental agency, or from
9 any person, firm, association or corporation, and may
10 receive, utilize and dispose of the same. Any donation or
11 grant accepted by the commission pursuant to this
12 subsection or services borrowed pursuant to subsection (g)
13 of the article shall be reported in the annual report of
14 the commission. Such report shall include the nature,
15 amount and conditions, if any, of the donation, grant or
16 services borrowed and the identity of the donor or lender.

17

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

1

2 (k) The commission annually shall make to the
3 governor, legislature and advisory body of each party state
4 described in subsection (a) of this article a report
5 covering the activities of the commission for the preceding
6 year, and embodying such recommendations as may have been
7 made by the commission. The commission may make such
8 additional reports as it may deem desirable.

9

10

Article VI

11

Advisory, Technical, and Regional Committees

12

13 The commission shall establish such advisory, technical,
14 and regional committees as it may deem necessary,
15 membership on which shall include private persons and
16 public officials, and shall cooperate with the use and
17 services of any such committees and the organizations which
18 the members represent in furthering any of its activities.
19 Such committees may be formed to consider problems of
20 special interest to any party state, problems dealing with
21 particular commodities or types of mining operations,
22 problems related to reclamation, development, or use of

1 mined land or any other matters of concern to the
2 commission.

3

4

Article VII

5

Finance

6

7 (a) The commission shall submit to the governor or
8 designated officer or officers of each party state a budget
9 of its estimated expenditures for such period as may be
10 required by the laws of that party state for presentation
11 to the legislature thereof.

12

13 (b) Each of the commission's budgets of estimated
14 expenditures shall contain specific recommendations of the
15 amount or amounts to be appropriated by each of the party
16 states. The total amount of appropriations requested under
17 any such budget shall be apportioned among the party states
18 as follows: one-half (1/2) in equal shares, and the
19 remainder in proportion to the value of minerals, ores, and
20 other solid matter mined. In determining such values, the
21 commission shall employ such available public source or
22 sources of information as, in its judgment, present the
23 most equitable and accurate comparisons among the party

1 states. Each of the commission's budgets of estimated
2 expenditures and requests for appropriations shall indicate
3 the source or sources used in obtaining information
4 concerning value of minerals, ores and other solid matter
5 mined.

6
7 (c) The commission shall not pledge the credit of any
8 party state. The commission may meet any of its obligations
9 in whole or in part with funds available to it under
10 article V(h) of this compact; provided that the commission
11 takes specific action setting aside such funds prior to
12 incurring any obligation to be met in whole or in part in
13 such manner. Except where the commission makes use of funds
14 available to it under article V(h) hereof, the commission
15 shall not incur any obligation prior to the allotment of
16 funds by the party states adequate to meet the same.

17
18 (d) The commission shall keep accurate accounts of
19 all receipts and disbursements. The receipts and
20 disbursements of the commission shall be subject to the
21 audit and accounting procedures established under its
22 bylaws. All receipts and disbursements of funds handled by
23 the commission shall be audited yearly by a qualified

1 public accountant and the report of the audit shall be
2 included in and become part of the annual report of the
3 commission.

4

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

9

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

14

15 Article VIII

16 Entry Into Force and Withdrawal

17

18 (a) This compact shall enter into force when enacted
19 into law by any four (4) or more states. Thereafter, this
20 compact shall become effective as to any other state upon
21 its enactment thereof.

22

1 (b) Any party state may withdraw from this compact by
2 enacting a statute repealing the same, but no such
3 withdrawal shall take effect until one (1) year after the
4 governor of the withdrawing state has given notice in
5 writing of the withdrawal to the governors of all other
6 party states. No withdrawal shall affect any liability
7 previously and separately agreed to, and already incurred
8 by or chargeable to a party state, under article VII(b),
9 prior to the time of such withdrawal.

10

11 Article IX

12 Effect On Other Laws

13

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

16

17 Article X

18 Construction and Severability

19

20 This compact shall be liberally construed so as to
21 effectuate the purposes thereof. The provisions of this
22 compact shall be severable and if any phrase, clause,
23 sentence or provision of this compact is declared to be

1 contrary to the constitution of any state or of the United
2 States, or the applicability thereof to any government,
3 agency, person or circumstance is held invalid, the
4 validity of the remainder of this compact and the
5 applicability thereof to any government, agency, person or
6 circumstance shall not be affected thereby. If this compact
7 shall be held contrary to the constitution of any state
8 participating herein, the compact shall remain in full
9 force and effect as to the remaining party states and in
10 full force and effect as to the state affected as to all
11 severable matters.

12

13 **30-4-105. Membership.**

14

15 (a) Subject to W.S. 30-4-106, the state of Wyoming
16 hereby joins the Interstate Mining Compact commission to
17 further the findings and purposes embodied in the compact.
18 The state through the office of the governor is authorized
19 to join and participate in the Interstate Mining Compact
20 commission as a member state of the commission.

21

22 (b) The governor may appoint a designee to serve as
23 the governor's official representative to the compact and

1 to perform all functions in connection with the business of
2 the compact. If the governor appoints a person to act as
3 his designee, that person shall take the oath of office
4 prescribed by the constitution and shall file it with the
5 secretary of state.

6
7 **30-4-106. Applicability.**

8
9 (a) No provisions of the Interstate Mining Compact,
10 nor any policies of the Interstate Mining Compact
11 commission, shall be construed to limit, repeal or
12 supersede any law of the state of Wyoming.

13
14 (b) The governor and the legislature, or agents of
15 either, shall have the right to inspect the books and
16 accounts of the Interstate Mining Compact commission at any
17 reasonable time while the state is a member.

18
19 (c) A copy of the bylaws of the Interstate Mining
20 Compact commission shall be placed on file with the
21 director of the department of environmental quality, and be
22 available for inspection at any reasonable time by the
23 legislature or any interested citizen.

1

2 (d) The state of Wyoming shall not be liable for the
3 obligations or solvency of:

4

5 (i) The retirement system described in article
6 V(f) of the compact; or

7

8 (ii) A program of employee benefits described in
9 article V(f) of the compact.

10

11 (e) As used in the article V(a) of the compact,
12 "agency" does not mean an agency of the state of Wyoming or
13 any political subdivision of the state of Wyoming.

14

15 **30-4-107. Expenses.**

16

17 The department of environmental quality may pay annually
18 out of funds collected from surface coal mining permit
19 fees, or from funds granted to the state by the federal
20 office of surface mining reclamation and enforcement, the
21 annual membership dues payable to the Interstate Mining
22 Compact commission for the membership of the state of
23 Wyoming in that organization.

1

2 30-4-108. General power of governor; withdrawal.

3

(a) Within the limitations of this section, the governor shall be entitled to exercise all the power of his office necessary in his judgment to maintain the state in good standing as a member of the Interstate Mining Compact commission and to participate therein.

9

(b) After the governor has provided one (1) year's notice in writing to the governors of all other member states, the legislature, by appropriate repealing legislation, may withdraw the state from the Interstate Mining Compact commission.

15

16 **Section 2.** W.S. 30-4-101 and 30-4-102 are repealed.

17

18 **Section 3.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become a law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22

23 (END)