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HOUSE BILL NO. 140

Offered January 8, 2014

Prefiled December 19, 2013

A *BILL to amend the Code of Virginia by adding in Title 45.1 a chapter numbered 20.1, consisting of a section numbered 45.1-271.1, relating to establishment of the Multistate Coal Compact.*

 Patron—Marshall, R.G.

 Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 45.1 a chapter numbered 20.1, consisting of a section numbered 45.1-271.1, as follows:

CHAPTER 20.1.**MULTISTATE COAL COMPACT.****§ 45.1-271.1. Governor authorized to execute compact.**

The Governor of the Commonwealth is hereby authorized and requested to execute, on behalf of the Commonwealth of Virginia with any other states, commonwealths, or territories legally joining therein, a compact that shall be in form substantially as follows:

*Multistate Coal Compact.**Article I.**Purpose.*

The purpose of this Compact shall be to allow commonwealths, states, or U.S. territories that mine, process, market, or sell coal or coal-related products to facilitate best industry practices and to more effectively coordinate the mining, processing, marketing, and sales of coal and coal-related products. It is not the purpose of this Compact to authorize the member states to limit the production of coal or coal-related products for the purpose of stabilizing or fixing the price thereof, or to create or perpetuate monopoly, or to promote regimentation.

*Article II.**Definitions.*

As used in this Compact, unless the context requires a different meaning:

"Commission" means the Multistate Coal Compact Commission.

"Compact" means the Multistate Coal Compact.

"Effective date" means the date upon which this Compact becomes effective for purposes of the operation of state and federal law in a member state, which shall be the later of (i) the date upon which this Compact shall be adopted under the laws of at least two member states or (ii) the date upon which this Compact receives the consent of Congress pursuant to Article I, Section 10 of the United States Constitution.

"Member state" means a state, a commonwealth, or a territorial possession of the United States that mines, processes, markets, or sells coal or coal-related products, is a signatory to this Compact, and has adopted this Compact under the laws of that state, commonwealth, or U.S. territory.

*Article III.**Ratification by State or Commonwealth.*

Each member state bound by this Compact agrees that, within a reasonable time after ratifying this Compact, it shall enact new laws, or, if such laws have already been enacted, it shall agree to continue the same laws in force, to establish environmentally compatible, economical, and realistic standards for the mining, processing, marketing, and sales of coal and coal-related products. To the extent that such commonwealth or state laws create standards that vary or are different from existing federal standards, member states' laws shall govern within the respective commonwealth, state, or U.S. territory.

*Article IV.**Organization and Duties and Powers of the Commission.*

A. Each member state shall appoint a representative to the Commission. The Commission shall have the duty to:

1. Review existing federal and other impediments to environmentally compatible, economical, and realistic efforts to mine, process, market, or sell coal or coal-related products at intrastate, interstate, and international levels;

2. Document and evaluate third-party-proposed standards, procedures, and best practices for member states to adopt in order to improve efforts to mine, process, market, or sell coal or coal-related products at intrastate, interstate, and international levels;

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59 3. Propose new standards, procedures, and best practices for member states to adopt in order to
60 improve efforts to mine, process, market, or sell coal or coal-related products at intrastate, interstate,
61 and international levels; and

62 4. Interface with federal agencies, including the U.S. Environmental Protection Agency, the U.S.
63 Department of the Interior, the U.S. Army Corps of Engineers, and any other federal agency that may
64 be subsequently designated, to formally challenge federal statutes, regulations, guidelines, and other
65 policies that are deemed by the Commission to adversely affect member states' efforts to mine, process,
66 market, or sell coal or coal-related products at intrastate, interstate, and international levels.

67 B. The Commission shall have the power to:

68 1. Organize and adopt suitable rules and regulations for the conduct of its business;

69 2. Report, at intervals of the Commission's choosing, the sum total of its findings and
70 recommendations to the member states for adoption or rejection; and

71 3. Recommend the coordination of the exercise of the police powers of the several member states
72 within their respective jurisdictions to ensure adherence to those jurisdictions' established standards,
73 procedures, and best practices.

74 C. No action shall be taken by the Commission, except:

75 1. By the affirmative votes of the majority of the whole number of the member states represented at
76 any meeting; and

77 2. By a concurring vote of a majority in interest of the member states at said meeting, such interest
78 to be determined as follows: the vote of each member state shall be in the decimal proportion fixed by
79 the ratio of its daily average production of coal during the preceding calendar half-year to the daily
80 average total production of the member states during this period.

81 D. Each member state shall determine, under its own laws, which officer or individual shall serve as
82 that member state's representative on the Commission.

83 Article V.

84 Financial Obligation.

85 No member state shall become financially obligated to any other member state, nor shall the breach
86 of the terms hereof by any member state subject such member state to financial responsibility to the
87 other member states that have ratified this Compact.

88 Article VI.

89 Effective Date and Termination of Compact.

90 A. This Compact may become effective within any commonwealth, state, or U.S. territory at any time
91 as prescribed by such commonwealth, state, and U.S. territory and shall become effective upon the
92 ratification of this Compact by any two member states and the consent of Congress. Any coal-producing
93 commonwealth, state, or U.S. territory may become a party thereto by affixing its signature to a
94 counterpart to be similarly deposited, certified, and ratified.

95 B. Subsequent to the initial effective date of this Compact between any two or more member states,
96 there shall be no time restrictions on additional commonwealths, states, or U.S. territories also ratifying
97 this Compact, subject only to the restriction in subsection A.

98 C. This Compact shall continue in effect until Congress withdraws its consent by repeal of the
99 federal law authorizing this Compact.

100 D. Any member state may withdraw from this Compact upon providing 60 days' notice to the each
101 other member state.

102 E. The representatives of the member states have signed this Compact in a single original, which
103 shall be deposited in the archives of the Department of State of the United States, and a duly certified
104 copy shall be forwarded to the Governor of each of the signatory member states.

105 F. This Compact shall become effective when ratified and approved as provided under the terms of
106 this article.