

14102226D

**HOUSE BILL NO. 265**

Offered January 8, 2014

Prefiled December 30, 2013

A *BILL to amend the Code of Virginia by adding in Title 62.1 a chapter numbered 6.2, consisting of a section numbered 62.1-79.3, relating to establishment of the Multistate Non-navigable Waters 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 62.1 a chapter numbered 6.2, consisting of a section numbered 62.1-79.3, as follows:**

**CHAPTER 6.2.****MULTISTATE NON-NAVIGABLE WATERS COMPACT.****§ 62.1-79.3. 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 Non-navigable Waters Compact.**Article I.**Purpose.*

*The purpose of this Compact shall be to authorize the commonwealths, states, or U.S. territories under their constitutions and the Constitution of the United States to declare a non-navigable body of water subject to exclusive regulation by a commonwealth, state, or U.S. territory.*

*Article II.**Definitions.*

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

*"Commission" means the Multistate Non-navigable Waters Compact Commission.*

*"Compact" means the Multistate Non-navigable Waters 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 is a signatory to this Compact and has adopted this Compact under the laws of that state, commonwealth, or U.S. territory.*

*"Non-navigable body of water" means any river, creek, stream, branch, or accumulation of water resulting from precipitation, storms, or other natural occurrences that is (i) located wholly within a member state and (ii) isolated from any other body of water by not being fed or replenished by a perennial stream.*

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

*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 and realistic standards for the non-navigable bodies of water. To the extent that such member states create standards that vary or are different from existing federal standards, member states' laws shall govern within the respective member state.*

*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 and realistic efforts to protect non-navigable bodies of water;*

*2. Propose new standards, procedures, and best practices for member states to adopt in order to protect non-navigable bodies of water; and*

INTRODUCED

HB265

59 3. Interface with federal agencies, including the U.S. Environmental Protection Agency, the U.S.  
60 Department of the Interior, the U.S. Army Corps of Engineers, and any other federal agency that may  
61 be subsequently designated, to formally challenge federal statutes, regulations, guidelines, and other  
62 policies that are deemed by the Commission to adversely affect member states' efforts to protect and  
63 enhance non-navigable bodies of water.

64 B. The Commission shall have the power to:

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

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

68 3. Recommend the coordination of the exercise of the police powers of the several member states  
69 within their respective jurisdictions to ensure adherence to those jurisdictions' established standards and  
70 procedures.

71 C. No action shall be taken by the Commission, except by the affirmative votes of the majority of the  
72 number of the member states represented at any meeting.

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

75 Article V.

76 Financial Obligation.

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

80 Article VI.

81 Effective Date and Termination of Compact.

82 A. This Compact may become effective within any commonwealth, state, or U.S. territory at any time  
83 as prescribed by such commonwealth, state, and U.S. territory and shall become effective upon the  
84 ratification of this Compact by any two member states and the consent of Congress. Any commonwealth,  
85 state, or U.S. territory may become a party thereto by affixing its signature to a counterpart to be  
86 similarly deposited, certified, and ratified.

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

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

92 D. Any member state may withdraw from this Compact upon providing 60 days' notice to each other  
93 member state.

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

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