

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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PRINCIPAL CLERK

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SENATE DRS45024-SB-5 (02/09)

Short Title: Amend Environmental Laws 2015.

(Public)

Sponsors: Senators Brock, Cook, and Wade (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 74-37 reads as rewritten:
5 "§ 74-37. Compact enacted into law.

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

8
9 INTERSTATE MINING COMPACT

10 ...

11 Article V. The Commission

12 (a) There is hereby created an agency of the party states to be known as the "Interstate
13 Mining Commission," hereinafter called "the Commission." The Commission shall be
14 composed of one commissioner from each party state who shall be Governor thereof. Pursuant
15 to the laws of his party state, each Governor shall have the assistance of an advisory body
16 (including membership from mining industries, conservation interests, and such other public
17 and private interests as may be appropriate) in considering problems relating to mining and in
18 discharging his responsibilities as the commissioner of his state on the Commission. In any
19 instance where a Governor is unable to attend a meeting of the Commission or perform any
20 other function in connection with the business of the Commission, he shall designate an
21 alternate, from among the members of the advisory body required by this ~~paragraph,~~
22 paragraph or an official of the state environmental protection agency with responsibility for protecting and
23 restoring lands affected by mining, who shall represent him and act in his place and stead. The
24 designation of an alternate shall be communicated by the Governor to the Commission in such
25 manner as its bylaws may provide.

26 (b) The commissioners shall be entitled to one vote each on the Commission. No action
27 of the Commission making a recommendation pursuant to Article IV-3, IV-7, and IV-8 or
28 requesting, accepting or disposing of funds, services, or other property pursuant to this
29 paragraph, Articles V (g), V (h), or VII shall be valid unless taken at a meeting at which a
30 majority of the total number of votes on the Commission is cast in favor thereof. All other
31 action shall be by a majority of those present and voting: Provided that action of the
32 Commission shall be only at a meeting at which a majority of the commissioners, or their
33 alternates, is present. The Commission may establish and maintain such facilities as may be
34 necessary for the transacting of its business. The Commission may acquire, hold, and convey
35 real and personal property and any interest therein.

36 (c) The Commission shall have a seal.



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

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

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

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

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

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

33 (j) The Commission annually shall make to the Governor, legislature and advisory
34 body required by Article V (a) of each party state a report covering the activities of the
35 Commission for the preceding year, and embodying such recommendations as may have been
36 made by the Commission. The Commission may make such additional reports as it may deem
37 desirable.

38"

39 **SECTION 2.** This act is effective when it becomes law.