

**HB**

**360**

<TARGET><BILL>HB 360</BILL><SUBJECT>HB  
360</SUBJECT><COMM>SFIN27</COMM></TARGET>

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/10/12

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

**Finance Committee** considered HOUSE BILL NO. 360

## HB 360 INTERSTATE MINING COMPACT & COMMISSION

"An Act enacting the Interstate Mining Compact and relating to the compact; relating to the Interstate Mining Commission; and providing for an effective date."

and recommends:

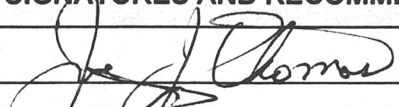



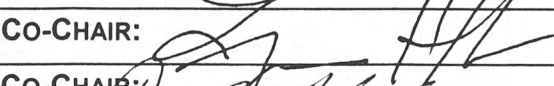

- be replaced with SCS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  Technical Title Change  
 New Title/SCR No. \_\_\_\_\_
- adopt previous SCS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  Technical Title Change  
 New Title/SCR No. \_\_\_\_\_
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LEG
CED	LAW
COR	LWF
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
HEA/ <sup>DNR</sup>	✓			2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Thomas	✓			
	Egan	✓			
	McGuire	✓			
	Ellis	x			
CO-CHAIR: 	Hoffman	✓			
CO-CHAIR: 	Stedman	✓			

# FISCAL NOTE

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

Bill Version HB 360  
Fiscal Note Number 2  
(H) Publish Date 4/6/12

Identifier (file name) HB360-DNR-MLW-03-15-12 Dept. Affected Department of Natural Resources  
Title Interstate Mining Compact & Commission Appropriation Land and Water Resources  
Allocation Mining, Land and Water  
Sponsor House State Affairs Committee  
Requester House Finance Committee OMB Component Number 3002

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>	<b>FY13</b>	<b>FY13</b>					
Personal Services							
Travel							
Services	40.0		40.0	40.0	40.0	40.0	40.0
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>40.0</b>	<b>0.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	40.0	40.0	40.0	40.0	40.0	40.0
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<b>TOTAL</b>		<b>40.0</b>	<b>0.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

The House Finance Committee reduced the travel costs to zero.

Prepared by Joe Michel  
Division House Finance Committee Aide  
Approved by Co-Chair Bill Stoltze  
House Finance Committee

Phone 465-4958  
Date/Time 4/5/12 11:00 AM  
Date 4/5/2012

FISCAL NOTE #2

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. HB 360

**Analysis**

This bill would authorize Alaska to join and participate in the Interstate Mining Compact.

This fiscal note has two components, annual membership and travel.

**Membership Dues:**

Membership in the commission requires annual dues paid by each party state. The amount of dues to be paid by each party state is covered under Article VII of the Compact and Bylaws. There are currently 19 member states, Alaska's addition would bring that total to 20.

Specifically; each party state is required to pay one half of the commission's annual budget, in equal shares. With Alaska as a member, Alaska's portion would be 1/20th of half the annual budget. The other half of the annual budget is also paid by the member states but is paid in proportion to the value of the minerals, ores and other solid matter mined in each member state.

DNR estimates that Alaska's share for dues in the first membership-year will be approximately \$40.0. This amount will fluctuate in future years based on the amount of the commission's annual budget and the value of the minerals, ores and other solid matter mined in Alaska annually. This value is based on national valuation reports prepared by federal agencies to insure impartial uniformity assessment of mining data. If the annual dues are significantly higher than \$40.0, DNR may request supplemental funding in that year.

**Travel costs:**

The House Finance Committee reduced the travel expense to zero.

# Alaska State Legislature

## Chairman

State Affairs Committee

## Member

Judiciary Committee  
Energy Special Committee  
Joint Armed Services Special Committee  
Military and Veterans' Affairs Committee

## Finance Subcommittees

Administration  
Corrections  
Military and Veterans' Affairs



*A Communication From*

**REPRESENTATIVE BOB LYNN**  
**District 31 Anchorage**

**E-Mail:** Representative\_Bob\_Lynn@legis.state.ak.us

## Session:

Alaska State Capitol #108  
Juneau, AK 99801-1182

Phone: (907) 465-4931

Fax: (907) 465-4316

Toll Free: (800) 870-4391

## Interim:

716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205

Fax: (907) 269-0207

## Sponsor Statement

### HB 360

“An Act enacting the Interstate Mining Compact and relating to the compact; relating to the Interstate Mining Commission; and providing for an effective date.”

This act authorizes the State to join and participate in the Interstate Mining Compact Commission.

Alaska has a unique and important relationship with mining. It was the lure of gold that brought thousands of eager prospectors, and served as the founding purpose for many cities and communities. As the territory and later the State grew, zinc, lead, coal, sand, gravel, and other subsurface products all played roles in this all-important sector. Today, mining is Alaska's second-largest industry, and it continues to thrive.

Alaska's seven operating mines – Ft. Knox, Greens Creek, Kensington, Red Dog, Usibelli, Nixon Fork and Pogo – employ more than 2,000 people combined. The mining industry also creates public revenue by paying both state and local taxes. Interest in Alaska's mining potential continues to spur new exploration and investment in the subsurface minerals of the Last Frontier.

The Interstate Mining Compact Commission is a coalition of mining states that join together to represent the environmentally sound resource development interests of its members on a national level. Established in 1971, the IMCC recognizes the basic importance of the mining industry to the nation, and believes that the collective voice of mining states is an important aspect in preserving and advocating for states' rights. IMCC regularly serves as the spokesperson for mining states in Washington D.C., and works to represent the member states efficiently and articulately to executive agencies.

Mining was foundational to Alaska's statehood. It continues to be a major economic driver and will play an important role in the state's future. Joining the IMCC gives Alaska the opportunity to build on our successes, share what works with others, work together to build a better mining industry, and foster a better understanding and constructive relationship with the federal agencies. I urge your support of HB 360.

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Member**  
Judiciary Committee  
Energy Special Committee  
Joint Armed Services Special Committee  
Military and Veterans' Affairs Committee

**Finance Subcommittees**  
Administration  
Corrections  
Military and Veterans' Affairs



**REPRESENTATIVE BOB LYNN**  
**Chair – House State Affairs Committee**

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## Sectional Analysis

### HB 360 – Interstate Mining Compact & Commission

Passage of HB 360 would elevate Alaska from associate membership to full membership in the Interstate Mining Compact Commission, allowing the Governor to be an active, voting member.

**Section 1:** Amends AS 27 by adding:

- Sec. 27.08.010, which contains and enacts into law the Interstate Mining Compact, which includes the following articles:
  - o **Article 1:** Findings and Purpose – finds the importance of mining to the state and proposes to support environmentally sound mining,
  - o **Article 2:** Definitions – defines “mining” and “state”,
  - o **Article 3:** State Programs – ensures a member state has adequate mining regulations, which Alaska does,
  - o **Article 4:** Powers – specifies the power of the Commission to study, make recommendations, and gather and disseminate information on mining-related issues,
  - o **Article 5:** The Commission – creates the Commission,
  - o **Article 6:** Allows the Commission to establish Advisory, Technical, and Regional Committees,
  - o **Article 7:** Finance – details how the Commission’s finances are to be handled,
  - o **Article 8:** Entry Into Force and Withdrawal – describes that states must enact the compact to participate and must repeal the act to withdraw,
  - o **Article 9:** Effects on Other Laws – maintains that the compact does not limit, repeal, or supersede any state laws,
  - o **Article 10:** Construction and Severability – Provides that all phrases, clauses, sentences and provisions are severable;
- Sec. 27.08.020, which provides for an alternate; and
- Sec. 27.08.030, which requires the Interstate Mining Compact Commission to file its bylaws and amendments with the Department of Natural Resources.

**Section 2:** Provides for an immediate effective date.

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**Member**

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Administration  
Corrections  
Military and Veterans Affairs



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 31 Anchorage**

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**Changes:**

The fiscal note has two components, annual membership and travel. The House Finance Committee reduced the travel expense to Zero.

# Interstate Mining Compact Commission

**Who We Are**  
**What We Do**

## Welcome

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The Interstate Mining Compact Commission is a multi-state governmental agency / organization that represents the natural resource interests of its member states. First envisioned in 1964, the Commission came into existence in 1970 with the entry of its first four states. Since that time, 19 additional states have enacted legislation bringing them into the Compact, and 5 additional states have become associate members as they pursue enactment of legislation which will make them full members. The Commission established its headquarters in the Northern Virginia suburbs of Washington, D.C. in 1988. The states are officially represented by their Governors who serve as Commissioners. The Commission operates through several committees composed of duly appointed representatives of the Governors from their respective Departments of Natural Resources or Environmental Protection.

## IMCC Staff

Gregory E. Conrad - Executive Director

Beth A. Botsis - Director of Programs

Phyllis Plummer - Bookkeeper



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## Interstate Mining Compact Background

The mining industry is one of the most basic and important in the Nation. Our manufacturing activities, transportation systems, and the comfort of our homes depend on the products of mining. Yet it is also true that generations of mining operations have had their effect on the surface of our land and on the condition of other resources. There is an urgent need to find improved means of turning mined lands to their most useful functions and to find ways of reducing the undesirable effects of mining operations on other property and resources. The necessary programs should be undertaken with due regard for the interests of all land and other resource users, including homeowners, mining and other industries, recreationists, conservationists, and the general public.

Governmental action to assist mining industries in their efforts to become more efficient in their methods, thereby increasing yields at lower costs, also is in the public interest. Such activities can and should go hand in hand with programs aimed at improving the usefulness of the surface of mined land.

Individual states have the power to establish and maintain programs of land and other resource development, restoration and regulation appropriate to cope with the surface effects of mining. The Interstate Mining Compact would not shift responsibility for such programs. On the other hand, states acting singly without reference to actions in other jurisdictions labor under serious handicaps in mounting desirable programs. While physiographic, climatic and regional differences in density of population and varying availability of recreational facilities make the application of rigid, single standards inappropriate, fundamental equity would be served by making it possible for individual states to construct their programs in such a way that those mining operations which actually are similarly situated be afforded similar types of assistance and be subjected to comparable regulatory patterns. There is much that an interstate agency like the Interstate Mining Commission established by this compact could do to develop and pool experience in dealing with mining problems.

The Interstate Mining Compact could do much to overcome the limitations just outlined. The Interstate Compact to Conserve Oil and Gas (in successful operation for about thirty-five years and now participated in by virtually every oil and gas producing jurisdiction of the United States), suggests some of the accomplishments that might result from interstate efforts in the field of the mining of solid substances. "The form statute for the conservation of oil and gas," and the many other suggestions of the Interstate Oil Compact Commission, have brought an increasing degree of comparability into state programs affecting the production of oil and natural gas. Also, that Commission serves as a forum for the exchange of useful information in its field of interest. While the focus of an Interstate Mining Compact as here envisaged would be somewhat different from that of the Oil and Gas Compact, and while its format bears only slight resemblance to the Oil and Gas Compact, its basic approach is the same. By adopting the compact, states would obligate themselves to undertake and maintain certain types of programs. In addition, an interstate body with roots in each of the party states and an ability to facilitate the sharing of knowledge would be placed in operation.

The Interstate Mining Compact had its beginnings in 1964. In April of that year in Roanoke, Virginia, the Council of State Governments held a conference on surface mining, attended by state and federal legislative and administrative officials, by mining industry representatives, and by conservationists. In the aftermath of this meeting, the Southern Governors' Conference, that Fall, called on the Council of State Governments to assist the states in developing one or more compacts to deal with surface mining problems. These initiatives led to the subsequent adoption in many states of strengthened laws and programs for regulating surface mining; and to supplement these intra-state activities, the Interstate Mining Compact was drafted and became available for their consideration in the legislative sessions of 1996.

### The Compact, Article by Article

It may be helpful to present a brief article-by-article description of the Compact. In

particular, a number of matters which appear rather cryptic in statutory language can be illustrated in order to supply a fuller idea of the considerations behind key provisions of the Compact's ten articles.

### **Article I – "Findings and Purposes"**

This provides the general setting for the compact. It puts into language customary for declarations of legislative intent the considerations to be employed in interpreting the policies underlying the compact and its objectives.

### **Article II – "Definitions"**

With only two exceptions, the words and phrases used in the compact should be taken in their ordinary dictionary meanings. The words "mining" and "State" are specially defined for the purposes of the Compact.

The definition of "mining" includes more than surface mining and more than would probably be included in mining as sometimes conceived. While the problem of effects on the surface of land and water are frequently identified as effects of surface mining processes, all mining operations have some effects on the surface. Consequently, for compact purposes, mining is defined in such a way as to include the surface effects of any kind of mining within the scope of the compact. If the Interstate Mining Commission were a regulatory or law making body, this novel definition could raise questions of considerable scope. However, in view of the entirely recommendatory character of the proposed Commission, it has seemed desirable to permit a wide scope for activities under the compact.

Also, it should be noted that the definition of "mining" is broad enough to include quarrying and excavation for the removal of a wide variety of materials. Such operations can present the same kinds of problems with respect to effects on land and water surface as so operations conducted in furtherance of activities more commonly understood to be mining.

Both deep mining and the various kinds of surface mining are involved. However, certain operations conducted underground are not meant to be encompassed, because they have no demonstrable effect on the surface. On the other hand, surface subsidence, underground mine fires, and the deposit of wastes above ground (whether associated with surface or deep mining operations) do have effects on the surface. Consequently, the definition of "mining" in the compact would cover them.

"State" obviously means any one of the fifty states. In order to open the compact to participation by the Commonwealth of Puerto Rico and the Territories, the word is specially defined.

### **Article III – "State Programs"**

Each of the party states will continue to be the regulatory authority in fields related to the compact. The only function of the interstate agency established by the compact is to study and make recommendations with respect to mining, as defined by the compact, and to study and make recommendations designed to assist the mining industries to improve their techniques. On the other hand, it is thought essential that each party state obligate itself to undertake programs in the key areas to which it applies as set forth in this article. It will be noted that the emphasis is on state programs to accomplish certain results. In certain instances, voluntary measures of nongovernmental entities may be the means of accomplishing necessary objectives; in others, law and administration of a regulatory or other character may be necessary. Depending on the conditions and circumstances prevailing in each of the states, the various ingredients of the program may be used in differing combination. However, this article is a pledge that the states will have programs adequate to the purposes of the compact.

### **Article IV – "Powers"**

This article enumerates a number of powers which the Interstate Mining Commission may exercise. All of them are of a study, recommendatory or consultative character. This implements one of the basic purposes of the compact, and where necessary, formulates the experience and expert research and thought necessary for the implementation of their individual programs.

### **Article V – "The Commission"**

Although this article is lengthy, most of its provisions are of a more or less routine

character and deal with the internal management on the Interstate Mining Commission's day-by-day affairs. Two features of the article which merit special attention are the actual creation and composition of the Interstate Mining Commission, and the voting procedures for it.

The Governors of the party states are to be the commissioners. This means one commissioner from each party state. However, it was considered essential to provide mechanisms for the representation of the state by a Governor's alternate, when the Governor himself could not carry out his responsibilities in compact work in person. To accomplish this purpose, the article requires that there be in each party state an advisory body to counsel the Governor in matters relating to the compact. This body must include representatives of mining industries, conservation interests, and other public and private interests. While the precise composition and functioning of this advisory board is a matter for each state to consider and implement in its own way, Section 2 of the Suggested Enabling Act which accompanies the compact should be consulted for an illustration of what might be done along these lines. In order to assure the connection between the Governor's work on the Interstate Mining Commission and this advisory body, the article also requires that the Governor's alternate be a member of the advisory board.

The voting procedures contained in this article are divided into two parts. The net effect of the provision (assuming a membership of fifty-four jurisdictions) would be to require twenty-eight affirmative votes for the taking of certain specified important actions by the Commission, such as the making of recommendations or the authorization of certain kinds of studies, and to require only a majority of those present and voting on more routine business.

#### **Article VI – "Advisory, Technical, and Regional Committees"**

Because of the variety of interests and commodities involved in various aspects of mining and the use of mined lands, it is doubtful that any agency, however expert or representative, could contain within its own membership all of the necessary knowledge and awareness of the problems which the Interstate Mining Commission will have to consider. Consequently, this article gives the Commission authority to assemble and use advisory, technical, and regional committees of the widest possible scope. The committee structure authorized by this article and the state advisory groups required by Article V provide two means of making sure that the Commission will have the benefit of the views and knowledge of all relevant segments of the community.

#### **Article VII – "Finance"**

The basic support of the Interstate Mining Commission is to come from appropriations made by the party states. However, with a large number of jurisdictions participating, it is unlikely that the appropriation requested from any single state would be very large. The article contains a formula for the apportionment of appropriation requests. In part this formula is dependent on a comparison of relative values of ores and other solid matter mined in the party states. In making such comparisons, the Commission is authorized to use publicly available sources of information. For example, the U.S. Bureau of the Census and of Mines now publish data of this sort. In particular, the "Minerals Yearbook" of the Bureau of Mines contains state-by-state breakdown of the kind that could be used. The article also contains recognition of a power, conferred elsewhere in the compact, to accept gifts and grants to aid its work. The article also contains audit and accounting safeguards.

#### **Article VIII – "Entry Into Force and Withdrawal"**

Adoption by four states will be necessary to bring the compact into effect. Withdrawal by a state is possible upon enactment of a repeal of the compact and one year's notice to the other states. This notice provision is designed to give the other party states and the Commission an opportunity to adjust compact activities in accordance with the new situation.

#### **Article IX – "Effect on Other Laws"**

Since the compact operates in a field where there is already much state legislation, this article gives specific assurance that none of these other statutes are impaired or repealed by implication.

#### **Article X – "Construction and Severability"**

This is a technical provision of standard character and language.

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Illinois  
Indiana  
Kentucky  
Louisiana  
Maryland  
Missouri  
New York  
North Carolina  
North Dakota  
Ohio  
Oklahoma  
Pennsylvania  
South Carolina  
Tennessee  
Texas  
Virginia  
West Virginia

## Associate Member States

Alaska  
Colorado  
New Mexico  
Utah  
Wyoming

## Member State Contact Information

The IMCC Membership Directory with state contact information can be accessed here: [Membership Directory](#)

## Benefits of Membership

Quarterly newsletter - "The Compact"  
Annual National Reclamation Awards Program  
Annual National Mineral Education Awards Program  
Special Informational Studies and Reports  
Annual Reports of activities  
Membership Directory  
Annual and Mid-Winter Meetings  
Interaction opportunities with other states and federal government officials

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## What We Do

The Commission exercises several powers on behalf of the states, all of which are of a study, recommendatory or consultative nature. The Commission does not possess regulatory powers, as some Compacts do. The Commission provides a forum for interstate action and communication on issues of concern to the member states. It is the potential to stimulate the development and production of each state's mineral wealth through effective regulatory programs that draws many of the states together in the prosecution of the Commission's work. Given the environmental sensitivities associated with this objective, a significant portion of the Commission's work is dedicated to the environmental protection issues naturally associated with this mineral development. It is the significant value and clout that comes from "compacting" together and speaking with a strong, united voice that can make a difference in each state's efforts to implement effective regulatory programs that will conserve natural resources and secure a vibrant state (and thus national) mineral economy.

## Initiatives

- Liaison with Federal government and Congress
- Monitoring of regulatory and legislative developments
- Development and communication of State positions and recommendations on Federal rulemakings and national legislation
- Information gathering and dissemination
- Coalition building with related State organizations
- Interaction with environmental and industry groups
- Public mining and minerals education outreaches

## Issues pursued by IMCC

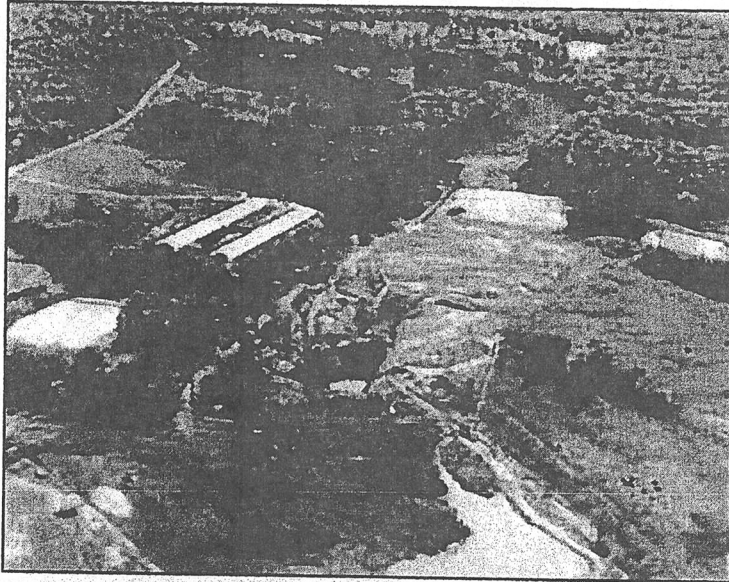
- Mine waste regulation under the Resources Conservation and Recovery Act (RCRA)
- Regulatory implementation issues arising under the Surface Mining Control and Reclamation Act (SMCRA) such as: primacy, federal oversight, enforcement, the Applicant/VIolator System, bonding, citizen participation, acid mine drainage, single source coal reporting, national technology transfer, and environmental protection standards
- Reform of the 1872 Mining Law
- Groundwater and stormwater regulations
- Inactive and abandoned mine reclamation
- Underground Mine Mapping
- Mine Placement of Coal Combustion Wastes
- Mine Safety and Health Issues
- Zoning and other land use restrictions

## Committees

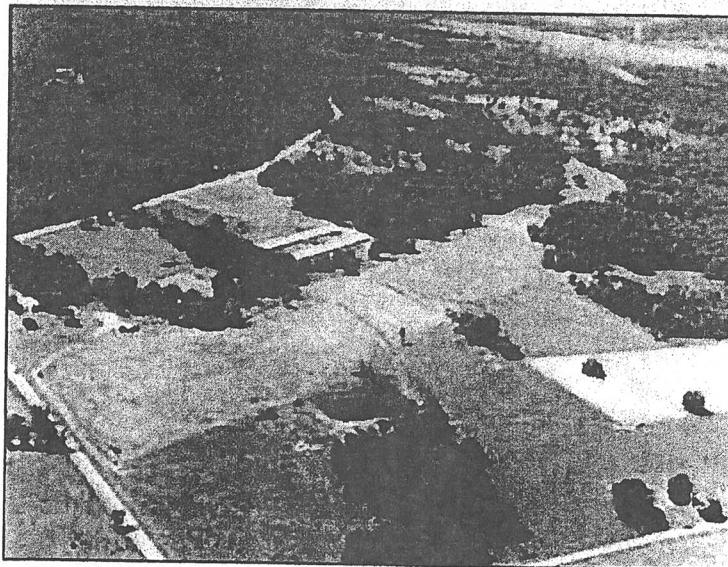
- Abandoned Mine Lands (AML) and Reauthorization of the AML Program under SMCRA
- Awards
- Education Work Group
- Finance & Administrative
- Environmental Affairs, Coal Section

- Environmental Affairs, Noncoal Section
- Mine Safety and Health
- Resolutions

**Photos of Active Mining and Reclamation of one site:**



*Russ & Sons, Inc.  
Russ and Sons  
No. 1 Mine,  
Sebastian  
County,  
Greenwood,  
Arkansas  
(Active  
Mining).  
April 18, 1990*



*Russ & Sons, Inc.  
Russ and Sons  
No. 1 Mine,  
Sebastian  
County,  
Greenwood,  
Arkansas  
(Reclamation).  
June 15, 1993*

[See More Photos...](#)



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