

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE DRH80603-ME-105 (05/14)**

Short Title: Divestment of State Investments in Massey. (Public)

Sponsors: Representative Harrison.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DIVEST NORTH CAROLINA OF ANY INVESTMENTS IN MASSEY ENERGY COMPANY.

Whereas, Massey Energy Company endangers American miners through its lax safety standards, having had 52 miners die in the company's mines in the last 10 years and having accrued \$12.9 million in proposed fines for safety violations in 2009; and

Whereas, Massey Energy Company's dangerous operating standards were most recently demonstrated in the recent mining tragedy where 29 American miners lost their lives at Massey Energy's Upper Big Branch Mine in Montcoal, West Virginia, a mine which, in 2009 alone, earned safety violations that were 19 times the national rate, with 500 citations and \$897,325 in proposed penalties; and

Whereas, Massey Energy Company negatively impacts the environment, having amassed the largest fine in the history of the Clean Water Act in the amount of \$20 million for 4,500 violations; and

Whereas, Massey Energy Company is also the largest perpetrator of mountaintop removal coal mining, which destroys mountains and headwater streams across Appalachia; and

Whereas, Massey Energy Company has negatively impacted both communities and the environment, causing injuries through the release of coal dust from processing plants and the ruining of water wells by mining beneath homes; and

Whereas, given the history of safety and environmental violations and the poor long-term prospects for the company's financial performance, investment in Massey Energy Company risks sound investment principles; and

Whereas, North Carolina remains invested in Massey Energy; Now, therefore, The General Assembly of North Carolina enacts:

**SECTION 1.** The State Treasurer shall divest the State of any existing direct or indirect investment in Massey Energy Company and shall not invest any public funds in Massey Energy Company investments.

**SECTION 2.** As used in this act, the following definitions apply:

(1) Indirect investment. – An investment in a mutual or other fund of which ten percent (10%) or more of its value represents an investment in Massey Energy Company.

(2) Investment. – Any debt security, equity security, derivative, or any other similar investment vehicle. The term shall not include short positions.



1           **SECTION 3.** The Department of State Treasurer is hereby appropriated from the  
2 General Fund the sum of five thousand dollars (\$5,000) for fiscal year 2010-2011 for the  
3 Department of State Treasurer's costs of implementing this act.

4           **SECTION 4.** This act is effective when it becomes law. The State Treasurer shall  
5 have 90 days from the effective date of this act to comply.