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## SENATE BILL NO. 525

Offered January 9, 2008

Prefiled January 9, 2008

*A BILL to amend and reenact § 2.2-2101, as it is currently effective and as it may become effective, and to amend the Code of Virginia by adding in Chapter 25 of Title 2.2 an article numbered 9, consisting of sections numbered 2.2-2532 through 2.2-2538, relating to establishing the Virginia Uranium Mining Commission.*

Patrons—Wagner, Puckett, Saslaw, Watkins and Whipple

Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2101, as it is currently effective and as it may become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 2.2 an article numbered 9, consisting of sections numbered 2.2-2532 through 2.2-2538 as follows:**

§ 2.2-2101. (Effective until July 1, 2008) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Advisory Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Commission on Civics Education, who shall be appointed as provided for in § 22.1-212.18; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; to members of the Uranium Mining Commission, who shall be appointed as provided for in § 2.2-2533, to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; or to members of the Virginia Commission on Immigration, who shall be appointed as provided in § 2.2-2530.

§ 2.2-2101. (Effective July 1, 2008, for contingent expiration date, see Editor's note) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

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to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109.

Article 9.

Virginia Uranium Mining Commission.

§ 2.2-2532. *The Virginia Uranium Mining Commission; purpose.*

*The Virginia Uranium Mining Commission (the Commission) is established as an advisory commission in the executive branch of state government. The purpose of the Commission is to assess the risks and benefits of developing Virginia's uranium resources and to advise the Governor and General Assembly:*

*1. Whether uranium mining and milling in Virginia can be undertaken in a manner that will safeguard the Commonwealth's environment, natural and historic resources, agricultural lands, and the health and well-being of its citizens;*

*2. If appropriate, on recommendations for legislation establishing necessary regulatory controls and safeguards under which mining and the processing of uranium resources could be permitted; and*

*3. On other related matters as requested.*

§ 2.2-2533. *Membership; terms; quorum; meetings.*

*The Commission shall have a total membership of 15 members that shall consist of six legislative members, six nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: two members of the Senate, to be appointed by the Senate Committee on Rules; four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; six nonlegislative citizen members, who by their education, training, knowledge, or experience have expertise related to the purposes and goals of the Commission, to be appointed by the Governor, and subject to the confirmation by the General Assembly. The Director of the Department of Environmental Quality, the Director of the Department of Mines, Minerals and Energy, and the Commissioner of Health or their designees shall serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.*

*Legislative members and ex officio members of the Commission shall serve terms coincident with their terms of office.*

*Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.*

*The Commission shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.*

§ 2.2-2534. *Compensation; expenses.*

*Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Mines, Minerals and Energy.*

§ 2.2-2535. *Powers and duties of the Commission.*

*The Commission shall have the following powers and duties:*

*1. To conduct a study that shall include an analysis of:*

*a. The extent of any increase in health risks to residents where mining and the processing of uranium would be conducted in Virginia;*

*b. Uranium mining's potential for degradation of surface and ground water; potential effects on air quality; risks to public health, both acute and chronic; occupational health impacts to mining industry workers; potential damage to crops, food sources, livestock, fish and wildlife; potential impacts to open space, historic and archeological resources; and impacts, both positive and negative, on future economic development and tourism;*

*c. Long-term and short-term impacts to the state and local economies, both positive and negative, posed by development of a uranium mining and processing industry;*

*d. The current state of technology and management techniques for mining, milling, and tailings management in the uranium industry, including the availability and effectiveness of technology, design and management techniques to protect natural resources, the environment, public health, and other potential receptors from potential adverse effects related to uranium mining and milling;*

*e. Information concerning the safety and health record of the uranium mining and processing industry in the United States and elsewhere;*

*f. Regulatory measures in place in jurisdictions both inside and outside the United States to control the impacts of uranium mining and milling;*

g. The nature, type, and extent of site-specific studies that would be necessary prior to authorizing any specific proposal for mining or milling of uranium, including the management of tailings;

h. Information concerning uranium mining and milling operations that are being or have been conducted in net precipitation areas and in areas with population densities comparable to or greater than Virginia's;

i. The statutory and regulatory mechanisms necessary to ensure that any entity permitted to mine or mill uranium in Virginia has adequate financial resources to (i) conduct operations in accordance with regulatory standards, (ii) properly reclaim mining sites, and (iii) ensure safe long-term management of tailings and other waste material;

j. The time, personnel needs, and financial resources necessary to establish and administer a program for the permitting and strict regulation of uranium mining and processing;

k. The feasibility of funding a program for regulating uranium mining and processing through permit fees or other fee mechanisms targeted to those entities mining and processing uranium;

l. Statutory provisions necessary to allocate liability and ensure that adequate financial resources are available to provide reimbursement for adverse environmental impacts, cleanup costs, personal injury, and property damage caused by or attributable to the mining or milling of uranium and uranium wastes; and

m. Use of severance taxes and other mechanisms to provide monetary allocations to localities impacted by uranium mining and milling operations.

2. To consider, but not be bound by, the January 1985 Report of the Virginia Coal and Energy Commission, the 1984 Report of the Uranium Administrative Group to the Virginia Coal and Energy Commission, and the October 1, 1984, Report of the Uranium Task Force.

3. To consider and address the goals and objectives of the Virginia Energy Plan. In making its recommendations, the Commission shall incorporate specific findings as to the compatibility of mining and milling Virginia's uranium deposits with the goals and objectives of the Virginia Energy Plan.

4. To consider the compatibility of mining and milling Virginia's uranium deposits with Article XI, § 1 of the Virginia Constitution.

5. To submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 2.2-2536. Staffing.

A. The Department of Mines, Minerals and Energy, the Department of Environmental Quality, and the Department of Health shall provide staff support to the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request. The Commission shall seek technical assistance from Virginia's universities and other entities having scientific expertise in areas related to the study.

B. The Commission may contract with the National Academy of Sciences or such other entity as the Commission shall determine as qualified to assist it in performing its duties and responsibilities. The Commission shall consult with and obtain the recommendations of the Joint Legislative Audit and Review Commission in preparing requests for proposals and reviewing proposals for services in connection with the Commission's duties and responsibilities.

§ 2.2-2537. Uranium Study Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Uranium Study Fund, hereafter referred to as "the Fund," to be administered by the Commission. The Fund shall be established on the books of the Comptroller. The Fund shall consist of (i) gifts, donations, grants, and bequests on behalf of the Commission and (ii) such other funds as may be appropriated by the General Assembly from time to time and designated for this Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in this article. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chairman of the Commission or his designee. The total costs for the operation and administration of the Commission shall be funded from the Fund and shall be in such amount as provided in the general appropriation act.

§ 2.2-2538. Sunset.

This chapter shall expire on July 1, 2011.