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SENATE BILL NO. 525

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules)

(Patron Prior to Substitute—Senator Wagner)

Senate Amendments in [] — February 12, 2008

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 45, consisting of sections numbered 30-293 through 30-300, relating to establishing the Virginia Uranium Mining Commission.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 45, consisting of sections numbered 30-293 through 30-300 as follows:

CHAPTER 45.

VIRGINIA URANIUM MINING COMMISSION.

§ 30-293. Definitions.

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

"Where uranium mining is currently proposed" means the localities within the Southside and West Piedmont Planning District Commissions.

§ 30-294. The Virginia Uranium Mining Commission; purpose.

The Virginia Uranium Mining Commission (the Commission) is established as an advisory commission in the legislative branch of state government. The purpose of the Commission is to assess the risks and benefits of developing Virginia's uranium resources in Virginia 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; and

2. On other related matters as requested by the Governor or the General Assembly.

If appropriate, following the conclusion of the independent study required under § 30-297, the Commission shall offer recommendations for legislation establishing necessary regulatory controls and safeguards under which mining and the processing of uranium resources could be permitted.

§ 30-295. Membership; terms; quorum; meetings.

The Commission shall have a total membership of 17 members that shall consist of eight legislative members, six nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: three members of the Senate, to be appointed by the Senate Committee on Rules; five 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 to be appointed by the Governor, two of whom shall reside in Pittsylvania County, two of whom shall reside in Halifax County, and all of whom shall have specific education, training, knowledge, or experience in the fields of public health, environmental protection, mining, or similar fields related to the work of the Commission. 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 nonvoting 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. Nonlegislative members shall serve a term of two years. 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. However, no Senate member shall serve more than two consecutive four-year terms, no House member shall serve more than four consecutive two-year terms, and no nonlegislative citizen member shall serve more than four consecutive two-year terms.

The Commission shall elect a chairman and vice-chairman from among its legislative 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.

The Commission shall publish notice at least 10 days in advance of each meeting in one or more newspapers of general circulation in the locality and planning district where the meeting is to be held and in any locality and planning district where uranium mining is being proposed. The Commission, as part of its deliberations, shall hold at least three public hearings in any area of the Commonwealth where uranium mining is currently proposed. The Commission shall hold a public meeting prior to commencing its work for the purpose of receiving comments and suggestions from interested persons that may assist in its deliberations.

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60 § 30-296. *Compensation; expenses.*

61 *Legislative members of the Commission shall receive such compensation as provided in § 30-19.12,*
62 *and nonlegislative citizen members shall receive such compensation for the performance of their duties*
63 *as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses*
64 *incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the*
65 *costs of compensation and expenses of the members shall be paid out of funds appropriated to the*
66 *Uranium Study Fund pursuant to § 30-299.*

67 § 30-297. *Powers and duties of the Commission.*

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

69 1. *To contract for a comprehensive and independent scientific study that is adequately funded to*
70 *provide an analysis of:*

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

73 b. *Uranium mining's, including milling's, disposal of tailings' and other wastes' potential for*
74 *degradation of surface and ground water; potential effects on air quality; the safe total radiation dose*
75 *and attendant public health risks, both acute and chronic, to the general public and sensitive*
76 *populations such as children [, the elderly,] and pregnant women; occupational health impacts to*
77 *mining industry workers; potential damage to crops, food sources, livestock, fish, and wildlife; potential*
78 *impacts to open space, historic and archeological resources; and impacts, both positive and negative, on*
79 *future economic development and tourism;*

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

82 d. *Potential long-term and short-term impacts to communities in areas containing known uranium*
83 *reserves, including but not limited to, public health, water supplies, existing businesses, [schools,]*
84 *infrastructure and infrastructure needs, institutions, industries, and overall quality of life, as well as the*
85 *potential for avoiding or mitigating negative impacts;*

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

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

92 g. *Federal, state, provincial, and other regulatory measures in place in jurisdictions both inside and*
93 *outside the United States to control the impacts of uranium mining and milling;*

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

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

99 2. *To oversee, following the results of an independent scientific study, an analysis of, if appropriate:*

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

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

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

108 d. *Statutory provisions necessary to allocate liability and ensure that adequate financial resources*
109 *are available to provide reimbursement from permitted entities for adverse environmental impacts,*
110 *cleanup costs, personal injury, and property damage caused by or attributable to the mining or milling*
111 *of uranium and uranium wastes;*

112 e. *Appropriate enforcement mechanisms to ensure compliance with statutory and regulatory*
113 *requirements, including but not limited to civil and criminal penalties; and*

114 f. *Use of severance taxes and other mechanisms to provide monetary allocations to localities*
115 *impacted by uranium mining and milling operations.*

116 3. *To consider, but not be bound by, the January 1985 Report of the Virginia Coal and Energy*
117 *Commission, the 1984 Report of the Uranium Administrative Group to the Virginia Coal and Energy*
118 *Commission, and the October 1, 1984, Report of the Uranium Task Force [and to address specifically*
119 *the issues contained in the additional statements and the dissents filed with the 1984 Report of the*
120 *Uranium Subcommittee/Uranium Administrative Group to the Virginia Coal and Energy Commission] .*

121 4. *To consider and address the goals and objectives of the Virginia Energy Plan. In making its*

122 recommendations, the Commission shall incorporate specific findings as to the compatibility of mining
123 and milling Virginia's uranium deposits with the goals and objectives of the Virginia Energy Plan.

124 5. To consider the compatibility of mining and milling Virginia's uranium deposits with Article XI,
125 Section 1 of the Constitution of Virginia.

126 6. To hold, prior to submitting its report to the Governor and the General Assembly two public
127 hearings in the areas where uranium is currently proposed to receive comments on the Commission's
128 and the National Academy of Sciences' findings and recommendations.

129 7. To submit to the Governor and the General Assembly a report by December 15, 2009, for
130 publication as a report document as provided in the procedures of the Division of Legislative Automated
131 Systems for the processing of legislative documents and reports. The chairman shall submit to the
132 Governor and the General Assembly an annual executive summary of the interim activity and work of
133 the Commission no later than the first day of each regular session of the General Assembly. The
134 executive summary shall be submitted for publication as a report document as provided in the
135 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
136 and reports and shall be posted on the General Assembly's website.

137 8. To perform those tasks and activities necessary to carry out the provisions of this chapter.
138 § 30-298. Staffing.

139 A. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the
140 Office of the Clerk of the House of Delegates as may be appropriate for the house in which the
141 chairman of the Commission serves. The Division of Legislative Services shall provide legal, research,
142 policy analysis, and other services as requested by the Commission. The Department of Mines, Minerals
143 and Energy, the Department of Environmental Quality, and the Department of Health shall provide staff
144 support to the Commission. All agencies of the Commonwealth shall provide assistance to the
145 Commission, upon request. The Commission shall seek technical assistance from Virginia's universities
146 and other entities having scientific expertise in areas related to the study.

147 B. The Commission shall contract, in accordance with the provisions of the appropriation act, with
148 the National Academy of Sciences to conduct a comprehensive study of the issues identified in
149 subdivisions 1 a through 1 i of § 30-297, and to inform and advise the Commission of its deliberations.
150 The Commission may contract with qualified consultants for the purpose of obtaining data and
151 information necessary to its deliberations. The Commission shall consult with and obtain the
152 recommendations of the Department of General Services in preparing requests for proposals and
153 reviewing proposals for services in connection with the Commission's duties and responsibilities. All
154 reports and data prepared by entities contracting with the Commission shall be public information.

155 C. Prior to (i) commencement of the Commission's work and (ii) entering any contractual
156 relationship with the National Academy of Sciences, the Commission shall ensure funding in such
157 amounts as deemed sufficient by the chair of the Commission for the Commission's work and for a
158 comprehensive, independent scientific study has been identified and committed to the Uranium Study
159 Fund established in § 30-299.

160 § 30-299. Uranium Study Fund established.

161 There is hereby created in the state treasury a special nonreverting fund to be known as the
162 Uranium Study Fund, hereafter referred to as "the Fund," to be administered by the Commission. The
163 Fund shall be established on the books of the Comptroller. The Fund shall consist of gifts, donations,
164 grants, and bequests on behalf of the Commission. Any moneys remaining in the Fund, including interest
165 thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.
166 Moneys in the Fund shall be used solely for the purposes set forth in this chapter. Expenditures and
167 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the
168 Comptroller upon written request signed by the chairman of the Commission or his designee. The total
169 costs for the operation and administration of the Commission shall be funded from the Fund.

170 § 30-300. Sunset.

171 This chapter shall expire on July 1, 2011.