

HOUSE ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE
SUBSTITUTE FOR
HOUSE BILL 164

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

AN ACT

RELATING TO THE ENVIRONMENT; DIRECTING THE DEPARTMENT OF ENVIRONMENT TO COORDINATE EFFORTS ACROSS THE STATE TO CLEAN UP AND RECLAIM FORMER URANIUM MINE AND MILL SITES; PROVIDING DUTIES; DIRECTING THE CREATION OF A URANIUM MINE RECLAMATION COORDINATOR POSITION IN THE DEPARTMENT OF ENVIRONMENT; DIRECTING THE CREATION OF A URANIUM MINE RECLAMATION COORDINATOR POSITION IN THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT; CREATING THE URANIUM MINING RECLAMATION REVOLVING FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] URANIUM MINING RECLAMATION--
DEPARTMENT OF ENVIRONMENT--DUTIES.--

A. The department of environment shall:

(1) coordinate efforts across the state to

1 clean up and reclaim former uranium mine and mill sites. The
2 energy, minerals and natural resources department; the Indian
3 affairs department; the office of natural resources trustee;
4 the state land office; the department of game and fish; the
5 cultural affairs department; the department of health; the
6 workforce solutions department; the economic development
7 department; and the department of transportation shall work in
8 conjunction with the department of environment to support the
9 department's duties as they relate to the purposes of the
10 respective departments and agencies;

11 (2) develop a strategic plan for the cleanup
12 of uranium mine and mill sites throughout the state, including
13 reclamation goals, time lines for the completion of cleanup
14 activities at specific sites and anticipated funding
15 requirements. The department of environment shall consult with
16 the departments and agencies enumerated in Paragraph (1) of
17 this subsection in the development of the strategic plan and
18 include in the strategic plan the respective agencies' and
19 departments' input;

20 (3) establish an effective mechanism for
21 consultation and coordination with the federal government;
22 Indian nations, tribes and pueblos; communities impacted by
23 uranium mining; and other states on uranium mine and mill
24 reclamation activities;

25 (4) work with the economic development

1 department, workforce solutions department and industry to
2 establish uranium mine and mill reclamation as a target
3 economic development industry in New Mexico, including the
4 creation, coordination and promotion of worker training and
5 business development programs for reclamation activities;

6 (5) develop, maintain and update on a regular
7 basis a centralized repository of uranium mine and mill sites
8 and reclamation activities. The repository shall include, at
9 minimum, the location of uranium mine and mill sites,
10 information about the ownership and legal jurisdiction of each
11 site and each site's cleanup status and shall use any
12 information currently maintained or possessed by the energy,
13 minerals and natural resources department relating to uranium
14 mine and mill sites; and

15 (6) on an annual basis, report to the
16 radioactive and hazardous materials committee on the department
17 of environment's activities in the preceding year. The
18 department of environment shall consult with the departments
19 and agencies enumerated in Paragraph (1) of this subsection and
20 include in the report the activities undertaken by the
21 respective departments and agencies in the preceding year that
22 are related to uranium mine and mill site reclamation.

23 B. The secretary of environment shall create a
24 uranium mine reclamation coordinator position and employ
25 additional staff as needed for the department of environment to

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1 carry out the provisions of this section.

2 SECTION 2. [NEW MATERIAL] ENERGY, MINERALS AND NATURAL
3 RESOURCES DEPARTMENT--URANIUM MINE RECLAMATION COORDINATOR.--

4 The secretary of energy, minerals and natural resources shall
5 create a uranium mine reclamation coordinator position and
6 employ additional staff as needed to coordinate the
7 department's uranium mine and mill site reclamation activities
8 and effectively collaborate and engage with the department of
9 environment in carrying out the provisions of Section 1 of this
10 2022 act.

11 SECTION 3. [NEW MATERIAL] URANIUM MINING RECLAMATION
12 REVOLVING FUND--CREATED.--

13 A. The "uranium mining reclamation revolving fund"
14 is created in the state treasury. The uranium mining
15 reclamation revolving fund consists of appropriations, gifts,
16 grants, donations and money received by the department of
17 environment or the energy, minerals and natural resources
18 department from the federal government or other state agencies
19 and other sources for conducting uranium mine and mill
20 reclamation activities. Money recovered for the state by or on
21 behalf of the department of environment or the energy, minerals
22 and natural resources department from uranium mine or mill
23 reclamation related litigation or settlements shall be
24 deposited in the uranium mining reclamation revolving fund.

25 B. The uranium mining reclamation revolving fund

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1 shall be administered by the department of environment. Money
2 in the fund is subject to appropriation by the legislature.
3 Expenditures may be made from the fund for the department of
4 environment or the energy, minerals and natural resources
5 department to undertake projects to reclaim uranium mine and
6 mill sites, including the acquisition of tools and equipment;
7 expenses incurred by the department of environment or the
8 energy, minerals and natural resources department in planning,
9 supervising and completing uranium mine and mill reclamation
10 projects; and expenses incurred in litigation involving uranium
11 mine or mill sites; provided that money in the fund shall not
12 be used for the operational expenses of the department of
13 environment or the energy, minerals and natural resources
14 department. Disbursements from the fund shall be made by
15 warrant of the secretary of finance and administration pursuant
16 to vouchers signed by the secretary of environment or the
17 secretary of energy, minerals and natural resources or their
18 designees.

19 C. Money in the uranium mining reclamation
20 revolving fund shall not revert to the general fund at the end
21 of a fiscal year.

22 SECTION 4. APPROPRIATION.--Three hundred fifty thousand
23 dollars (\$350,000) is appropriated from the general fund to the
24 department of environment for expenditure in fiscal year 2023
25 and subsequent fiscal years for the department's operating

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1 expenses in carrying out the duties of Section 1 of this act.
2 Any unexpended or unencumbered balance remaining at the end of
3 a fiscal year shall not revert to the general fund.

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