

LFC Requester:

Austin Davidson

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/13/2025

Check all that apply:

Bill Number: SB 316

Original Correction
Amendment Substitute

Sponsor: Sen. George Muñoz

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: Uranium Waste Disposal

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: SB 316 would create a new act providing that “[u]ranium tailings and uranium waste from the mining, milling or processing of uranium ore in New Mexico shall only be disposed of in federally managed underground depositories designed for the containment of hazardous waste.” It also prohibits any state agency from “issu[ing] a permit for the disposal of uranium tailings or uranium waste in a facility other than a federally managed underground depository designated for the containment of hazardous waste.”

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

SB 316 may conflict with existing state laws. First, to the extent that SB 316 would regulate the reclamation of mining sites (by restricting the disposal options for tailing and waste) it may conflict with the New Mexico Mining Act, N.M.S.A. 1978, §§ 69-36-1 to -20, which has been held to be applicable to uranium mining. *See New Mexico Min. Comm’n v. United Nuclear Corp.*, 2002-NMCA-108, ¶ 9, 133 N.M. 8. Second, the restrictions imposed by SB 316 may also conflict with provisions of New Mexico’s Abandoned Mine Reclamation Plan, N.M.S.A. 1978, §§ 69-25B-1 to -12, which was approved by the U.S. Department of the Interior’s Office of Surface Mining Reclamation and Enforcement in 1980. *See* 30 C.F.R. § 931.20. Third, SB 316’s requirement that uranium tailings and waste shall only be disposed of in *federally* managed underground depositories may conflict with the New Mexico Uranium Mining Reclamation Act, which provides that NMED and EMNRD will use certain funds to undertake, supervise, and complete projects to reclaim uranium mine and mill sites. To the extent those projects involve disposal of tailings and waste other than in federally managed underground depositories, conflicts with SB 316 may arise.

Another significant issue with SB 316 is that it does not specify which federal statutes provide the framework for the “federally managed underground depositories” that the bill mandates be used for the disposal of uranium tailings and mining. The federal Nuclear Waste Policy Act provides for a government-owned, permanent, underground repository for spent

nuclear fuel from nuclear reactors, but not for the type of uranium mining, milling, and processing waste covered by SB 316. *See* 42 U.S.C. §§ 10131, 10132, 10134. It is not clear that any other federal statutes provide for the type of repositories contemplated by SB 316. Similarly, SB 316 does not indicate where in the New Mexico statutory scheme it would be enacted, which might otherwise give the bill's language more context.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 316 potentially conflicts with SB 276 because SB 276 seeks a \$2,000,000 appropriation from the general fund to the "uranium mining reclamation revolving fund," which would fund state agency action to remediate uranium mill and mines, whereas SB 316 would potentially prohibit state-managed remediation activities.

TECHNICAL ISSUES

Other than cross-referencing the specific federal regulatory scheme that SB 316 has in mind, and clarifying its relationship to other state laws on this issue, the bill might also benefit from a definitions section.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS