



HB0061

Source material associated with mining-agreement.

Sponsored By: Joint Minerals, Business & Economic Development
Interim Committee

AN ACT relating to environmental quality; authorizing the governor to begin negotiations with the nuclear regulatory commission to seek an agreement for the state to assume regulation of source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content; authorizing the governor to negotiate and enter into a final agreement with the nuclear regulatory commission; providing definitions; providing for the department of environmental quality to administer the agreement; providing rulemaking authority; requiring the department of environmental quality to adopt fees as specified; making conforming amendments; providing an appropriation; authorizing positions; and providing for an effective date.

12/27/2022 Bill Number Assigned
1/6/2023 H Received for Introduction
1/10/2023 H Introduced and Referred to H09 - Minerals
1/12/2023 H09 - Minerals:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Banks, Burkhart, Jr, Conrad, Heiner, Knapp, Larson, Lawley, Tarver, Western

Ayes 9 Nays 0 Excused 0 Absent 0 Conflicts 0

1/12/2023 H09 - Minerals:Rerefer to H02 - Appropriations
1/13/2023 H02 - Appropriations:Recommend Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Henderson, Larsen, Nicholas, Sherwood, Stith, Walters, Zwonitzer

Ayes 7 Nays 0 Excused 0 Absent 0 Conflicts 0

1/13/2023 H Placed on General File

HB0061HS001/ADOPTED

Page 1-line 4 After "material" delete balance of line.

Page 1-line 5 Delete entirely.

Page 1-line 6 Delete "operations" and insert "recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".

Page 2-line 3 Delete entirely and insert "**Section 1.** W.S. 35-11-2001 (a) through (c) and (e)".

Page 2-line 4 Delete line through "(f)".

Page 2-after line 9 Insert:

"(a) The governor, on behalf of the state, is authorized to contact the nuclear regulatory commission to express the intent of the state of Wyoming to

enter into an agreement under section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended, with the nuclear regulatory commission providing for the assumption by the state of regulatory authority over source material involved in uranium or thorium recovery or milling and byproduct material, as defined in section 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2), as amended. The governor, on behalf of the state, is also authorized to contact the nuclear regulatory commission to express the intent of the state of Wyoming to enter into an agreement under section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended, with the nuclear regulatory commission providing for the assumption by the state of source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. For the purposes of this agreement, the term "mineral resources" means any host rock, ore, material or waste associated with mining or milling that contains a recoverable mineral. The nuclear regulatory commission shall maintain regulatory authority over all other source material, section 11e.(1), (3) and (4) byproduct material and special nuclear material as defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2014, as amended, and the activities reserved under section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended."

- Page 2-line 12 After "of" insert "(1)".
- Page 2-line 13 Delete "," and reinsert stricken "and".
- Page 2-line 14 After "material" delete balance of line.
- Page 2-line 15 Delete line through "processing" and insert "and (2) the source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".
- Page 2-line 19 Delete "subsections" and insert "subsection.".
- Page 2-line 20 After "(a)" delete "and (f)".
- Page 3-line 2 Strike "potential".
- Page 3-line 3 Delete "agreements" and insert "the agreement".
- Page 3-line 5 Reinsert all stricken language.
- Page 3-line 6 Delete "agreements".
- Page 3-line 7 After "of" insert "(1)".
- Page 3-line 8 Delete "," and reinsert stricken "and".
- Page 3-line 9 After "material" delete balance of line.
- Page 3-line 10 Delete "from rare earth mining and processing" and insert "and (2) the source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".
- Page 3-line 14 After "are" insert "(1)".
- Page 3-line 15 Reinsert stricken "and".

Page 3-line 16 Reinsert stricken ",".

Page 3-line 18 After "and" insert "(2)" and delete "the incidental".

Page 3-line 20 After "2014(z)" insert "recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".

Page 3-line 22 After "accept" insert "source material or".

Page 4-lines 4 through 21 Delete entirely.

Page 5-line 6 After "any" insert "(1)".

Page 5-line 7 Delete "," and reinsert stricken "and".

Page 5-line 8 After "material" delete balance of line.

Page 5-line 9 Delete "from rare earth mining or processing" and insert "or (2) source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".

Page 5-line 13 After "involving" insert "(1)".

Page 5-line 14 Delete "," and reinsert stricken "and".

Page 5-line 15 Delete entirely.

Page 5-line 16 Delete "earth mining or processing" and insert "or (2) source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".

Page 6-line 2 After "of" insert "(1)".

Page 6-line 3 Delete "," and reinsert stricken "and".

Page 6-line 4 After "material" delete balance of line.

Page 6-line 5 Delete line through "processing" and insert "or (2) source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".

Page 6-line 11 After "for" insert "(1)".

Page 6-line 12 Delete "," and reinsert stricken "or".

Page 6-line 13 After "material" delete balance of line.

Page 6-line 14 Delete line through "processing" and insert "or (2) the source material recovered from any mineral resources".

primarily for purposes other than obtaining the source material content".

- Page 7-line 3 Delete ",," and reinsert stricken "and".
- Page 7-line 4 Delete entirely.
- Page 7-line 5 Delete line through "processing" and insert "or the source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".
- Page 7-line 10 After "impound" insert "(1)".
- Page 7-line 11 Delete ",," and reinsert stricken "and".
- Page 7-line 12 Delete entirely.
- Page 7-line 13 Delete line through "processing" and insert "and (2) the source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".
- Page 8-line 9 Delete entirely and insert "W.S. 35-11-2001(a) as provided in section 1 of this act,".
- Page 8-line 11 Delete "involved in".
- Page 8-lines 12 and 13 Delete entirely.
- Page 8-line 14 Delete "and processing operations" and insert "recovered from any mineral resources processed primarily for purposes other than obtaining the source material content".
- Page 8-lines 20 through 22 Delete entirely and insert "recovered from any mineral resources processed primarily for purposes other than obtaining the source material content.".
- Page 9-line 14 After "by" delete balance of line.
- Page 9-line 15 Delete line through "act" and insert "W.S. 35-11-2001(a), as provided by section 1 of this act".
- Page 9-line 16 After "authority" delete balance of line.
- Page 9-lines 17 and 18 Delete entirely.
- Page 9-line 19 Delete line through "operations" and insert "over source material recovered from any mineral resources processed for purposes other than obtaining the source material content". BURKHART, CHAIRMAN

1/16/2023 H COW:Passed
1/17/2023 H 2nd Reading:Passed

HB0061H3001/ADOPTED

Page 2-line 18 Reinsert stricken "agreement" and delete "agreements".

Page 8-line 8 After "authorized" insert "in".

Page 9-line 5 Delete "2025-2026" and insert "2026-2027". BURKHART

1/18/2023 H 3rd Reading:Passed 60-0-2-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Representative(s) Newsome, Speaker Sommers

Ayes 60 **Nays** 0 **Excused** 2 **Absent** 0 **Conflicts** 0

1/18/2023 S Received for Introduction

1/31/2023 S Introduced and Referred to S09 - Minerals

2/2/2023 S09 - Minerals:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Cooper, Dockstader, Ellis, Jones, Rothfuss

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/2/2023 S Placed on General File

2/7/2023 S COW:Rerefer to S02 - Appropriations

2/7/2023 S02 - Appropriations:Recommend Do Pass 4-0-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Gierau, Nethercott, Salazar

Excused: Senator Kinskey

Ayes 4 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/7/2023 S Placed on General File

HB0061SS001/ADOPTED (TO ENGROSSED COPY)

Page 10-line 2 Delete "2026-2027" and insert "2027-2028".

Page 10-line 9 Delete "2027" and insert "2026".

Page 10-line 19 Delete "2027" and insert "2026".

Page 10-line 22 Delete "immediately succeeding" and insert "2026-2027"; after "biennium" insert "through a general fund appropriation". DOCKSTADER, CHAIRMAN

**HB0061SW001/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)**

Page 9-line 22 After "positions" insert "for the period beginning with the effective date of this act and ending June 30, 2026".

Page 10-line 2 Delete the Senate standing committee amendment (HB0061SS001/AE) to this line.

Page 10-line 17 After "purpose and" insert "notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207,". ELLIS

2/8/2023 S COW:Passed
2/9/2023 S 2nd Reading:Passed
2/13/2023 S 3rd Reading:Passed 31-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, President Driskill, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Ayes 31 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/13/2023 H Received for Concurrence
2/14/2023 H Concur:Passed 61-0-1-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Representative Harshman

Ayes 61 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/15/2023 Assigned Number HEA No. 0022
2/15/2023 H Speaker Signed HEA No. 0022
2/16/2023 S President Signed HEA No. 0022
2/21/2023 Governor Signed HEA No. 0022
2/21/2023 Assigned Chapter Number 46

Chapter No. 46 Session Laws of Wyoming 2023