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FISCAL IMPACT REPORT

SPONSOR Robinson **ORIGINAL DATE** 3/01/07 **LAST UPDATED** _____ **HB** _____
SHORT TITLE Prohibit Manufacture of Nuclear Weapons **SB** SJM 47
ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Joint Memorial 47 expresses the resolve of the New Mexico legislature that manufacture of new nuclear weapons in New Mexico should be prohibited.

In accordance with the United States Constitution, the Department of Energy (DOE) and any other government agency or nonprofit or for-profit corporation is requested not to plan, construct or operate any facilities in the State of New Mexico to develop, produce or manufacture any new plutonium pits or any other components of nuclear weapons.

FISCAL IMPLICATIONS

There are no fiscal implications.

SIGNIFICANT ISSUES

The federal DOE is proposing that New Mexico be a site for a new and consolidated facility to develop and manufacture new nuclear weapons. The DOE plans to complete this complex by 2030 and to call the proposed nuclear weapons complex "Complex 2030".

This proposed nuclear weapons facility violates Article VI of the nuclear non-proliferation treaty and violates the intent of the treaty, which was signed and ratified by the United States and entered into force in 1970.

The nuclear non-proliferation treaty declares in the preamble the signers' intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament.

Article VI of the United States Constitution states that, all treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

The advisory opinion of the international court of justice has decided unanimously that each state is obliged to bring to a close negotiations leading to nuclear disarmament and begin the process of complete nuclear disarmament, and that there exists an obligation to abide by Article VI of the nuclear non-proliferation treaty to "pursue negotiations in good faith and on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control".

The intent to produce new nuclear bomb pits violates Article VI of the United States constitution, the nuclear non-proliferation treaty and the advisory opinion of the international court of justice.

President George W. Bush, on March 7, 2005, called the nuclear non-proliferation treaty a key legal barrier to nuclear weapons proliferation and a critical contribution to international security, and stated that the United States is firmly committed to its obligations under this treaty.

The United Nations Security Council resolution 1540 calls upon all states "to promote the universal adoption and full implementation, and where necessary, strengthening of multilateral treaties to which they are parties, whose aim into prevent the proliferation of nuclear, biological or chemical weapons".

Sustained leadership from the United States is essential to implement existing legal and political commitments established by the nuclear non-proliferation treaty and to realize a more effective global nuclear non-proliferation system.

Despite the DOE argument that nuclear deterrence is a necessary policy for the United States to ensure the peace, the United States has been involved in at least eighteen wars, namely in Korea, Guatemala, Cuba, Indonesia, Congo, Peru, Laos, Vietnam, Cambodia, Lebanon, Grenada, Libya, El Salvador, Nicaragua, Panama, Bosnia, Afghanistan and Iraq since the development of the first nuclear weapons.

Senior nuclear scientists concur that the existing nuclear stockpile is not degrading, which means that the 23,000 nuclear pits in the current nuclear arsenal will be reliable for another 80 to 100 years or more and the need to rebuild the stockpile by creating replacement warheads is unnecessary and is severely overburdening the taxpayer.

The DOE could enable New Mexico to become a leader in efforts to create a more secure state, nation and world by:

- insisting upon the massive cleanup of the areas contaminated by the nuclear industry;
- supporting research in the remediation of radioactive wastes;
- finding the means to make reparations to those communities whose soil, air and water have been contaminated;
- dismantling the stockpile without replacing the warheads;

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- presenting a clear plan for consolidating and maintaining the security of the extremely toxic and dangerous nuclear weapons materials in the inventory in perpetuity and
- investing in the development of renewable energy technologies and other endeavors that promote sustainability and affirm life for the generation who will be bearing children after 2030 in New Mexico and the world.

The governing body of the state of New Mexico stands for a society that takes responsibility for the welfare of its future generations.

DW/csd