

HOUSE BILL 127

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO RADIOACTIVE WASTE; AMENDING THE RADIOACTIVE AND HAZARDOUS MATERIALS ACT; PROHIBITING HJC→~~THE STORAGE OR DISPOSAL OF SPENT FUEL AND HIGH-LEVEL WASTE~~←HJC HJC→~~THE~~ ISSUANCE OR CERTIFICATION OF A PERMIT FOR THE CONSTRUCTION OR OPERATION OF A DISPOSAL FACILITY FOR SPENT FUEL OR HIGH-LEVEL WASTE, UNLESS A PERMANENT REPOSITORY IS IN OPERATION←HJC ; AMENDING THE DEFINITION OF "DISPOSAL FACILITY"; AMENDING THE DUTIES AND COMPOSITION OF THE RADIOACTIVE WASTE CONSULTATION

.222165.1AIC February 9, 2022 (3:34pm)

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TASK FORCE; DECLARING AN EMERGENCY.

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

SECTION 1. Section 74-4A-6 NMSA 1978 (being Laws 1979, Chapter 380, Section 5, as amended by Laws 2001, Chapter 12, Section 1 and also by Laws 2001, Chapter 103, Section 1) is amended to read:

"74-4A-6. TASK FORCE.--There is created the "radioactive waste consultation task force". The task force shall consist of the secretaries of energy, minerals and natural resources; health; environment; public safety; ~~and highway and~~ transportation; homeland security and emergency management; and Indian affairs or their designees and the commissioner of public lands or the commissioner's designee. The ~~chairman~~ chair and vice ~~chairman~~ chair of the committee, or their designees from the committee, shall be advisory members of the task force. The state fire marshal or ~~his~~ the state fire marshal's designee shall serve as a ~~non-voting~~ nonvoting member of the task force."

SECTION 2. Section 74-4A-7 NMSA 1978 (being Laws 1979, Chapter 380, Section 6, as amended) is amended to read:

"74-4A-7. DUTIES OF THE TASK FORCE.--

A. The task force shall negotiate for the state with the federal government in all areas HJC→, including economic, water quality and environmental justice impacts,←HJC relating to siting, licensing and operation of new federal

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disposal facilities, including research, development and demonstration, for high-level radioactive wastes, transuranic radioactive wastes and low-level radioactive waste. This subsection shall not be construed to limit the powers of any agency otherwise authorized to negotiate with the federal government, and if such negotiation should also come within the authority of the task force, the task force shall provide assistance to that agency but shall not limit the agency's exercise of authority. Any action taken pursuant to this subsection may be disapproved by joint resolution of the legislature.

B. The task force may recommend legislation to implement the state's policies with respect to new federal disposal facilities.

C. The task force shall identify impacts of new federal and private disposal facilities within the state and shall disseminate that information.

D. The task force shall coordinate the investigations and studies undertaken by all state agencies and shall forward an executive summary of ongoing and recently completed investigations and studies, including information from federal or other studies, to the legislature and the governor as the studies are completed or information released.

E. The task force shall meet [~~regularly~~] at least annually with the committee and keep the committee apprised of all actions taken by the task force."

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SECTION 3. Section 74-4A-11.1 NMSA 1978 (being Laws 1981, Chapter 374, Section 6, as amended) is amended to read:

"74-4A-11.1. CONDITION.--No person shall store or dispose of radioactive materials HJC→~~or~~←HJC HJC→, ←HJC radioactive waste HJC→~~[or spent fuel]~~←HJC HJC→~~or spent fuel~~←HJC in a disposal facility until the state has concurred in the creation of the disposal facility, except as specifically preempted by federal law; ~~provided that HJC→spent fuel and high-level waste shall not be stored or disposed of in the state; and provided further that~~←HJC the state or a political subdivision of the state shall not issue or certify a permit for the construction or operation of a disposal facility for spent fuel or high-level waste HJC→, unless a repository, as defined in 42 U.S.C. 10101(18), is in operation←HJC . As used in this section, "disposal facility" means an engineered surface, subsurface or underground facility designed primarily for the temporary or permanent isolation of radioactive materials, radioactive waste or spent fuel other than tailings or other waste from the extraction, beneficiation or processing of ores and minerals."

SECTION 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.