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HOUSE BILL 719

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DARA A. DANA

AN ACT

RELATING TO EMERGENCY MANAGEMENT; CHANGING THE DEFINITION OF ORPHAN HAZARDOUS MATERIALS TO INCLUDE SUBSTANCES USED IN THE MANUFACTURE OF ILLEGAL CONTROLLED SUBSTANCES.

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

Section 1. Section 74-4B-3 NMSA 1978 (being Laws 1983, Chapter 80, Section 3, as amended) is amended to read:

"74-4B-3. DEFINITIONS. --As used in the Emergency Management Act:

A. "accident" means an event involving hazardous materials that may cause injury to persons or damage to property or release hazardous materials to the environment;

B. "administrator" means the hazardous materials emergency response administrator;

C. "board" means the hazardous materials safety

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1 board;

2 D. "chief" means the chief of the New Mexico state
3 police;

4 E. "commission" means the state emergency response
5 commission;

6 F. "department" means the department of public
7 safety;

8 G. "emergency management" means the ability to
9 prepare for, respond to, mitigate, recover and restore the scene
10 of an institutional, industrial, transportation or other
11 accident;

12 H. "first responder" means the first law enforcement
13 officer or other public service provider with a radio-equipped
14 vehicle to arrive at the scene of an accident;

15 I. "hazardous materials" means hazardous substances,
16 radioactive materials or a combination of hazardous substances
17 and radioactive materials;

18 J. "hazardous substances" means flammable solids,
19 semi solids, liquids or gases; poisons; corrosives; explosives;
20 compressed gases; reactive or toxic chemicals; irritants; or
21 biological agents, but does not include radioactive materials;

22 K. "orphan hazardous materials" means hazardous
23 substances, radioactive materials, [or] a combination of
24 hazardous substances and radioactive materials or substances
25 used in the manufacture of controlled substances in violation of

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1 the Controlled Substances Act where an owner of the substances
2 or materials cannot be identified;

3 L. "plan" means the statewide hazardous materials
4 emergency response plan;

5 M. "radioactive materials" means any material or
6 combination of materials that spontaneously emits ionizing
7 radiation. Materials in which the estimated specific activity
8 is not greater than 0.002 microcuries per gram of material are
9 not considered to be radioactive materials unless determined to
10 be so by the hazardous and radioactive materials bureau of the
11 water and waste management division of the department of
12 environment for purposes of emergency response pursuant to the
13 Emergency Management Act;

14 N. "responsible state agency" means an agency
15 designated in Subsection D of Section 74-4B-5 NMSA 1978 with
16 responsibility for managing a certain type of accident or
17 performing certain functions at the scene of such accident;

18 O. "secretary" means the secretary of public safety;
19 and

20 P. "task force" means the emergency management task
21 force."

22 Section 2. EFFECTIVE DATE. -- The effective date of the
23 provisions of this act is July 1, 1997.

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 17, 1997

Mr. Speaker:

Your ENERGY AND NATURAL RESOURCES COMMITTEE, to
whom has been referred

HOUSE BILL 719

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

James Roger Madalena, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: M P. Garcia, Getty, Picraux, Stewart, Salazar

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 5, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 719

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, line 24, after "or" insert "hazardous".
2. On page 3, line 1, after the second occurrence of "the"
insert "hazardous".

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 719

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Alwin, King, Rios, Sanchez

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

HB 719/a

3
4 March 16, 1997

5
6 Mr. President:

7
8 Your JUDICIARY COMMITTEE, to whom has been referred

9
10 HOUSE BILL 719, as amended

11 has had it under consideration and reports same with
12 recommendation that it DO PASS, amended as follows:

- 13
14 1. Strike House Judiciary Committee amendments 1 & 2.

15
16 Respectfully submitted,

17
18 _____
19 Fernando R. Macias, Chairman

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23
24 Adopted _____ Not Adopted _____
25 (Chief Clerk) (Chief Clerk)

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Sanchez

Absent: None

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