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SENATE BILL 467

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

INTRODUCED BY

WILLIAM H. PAYNE

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

Underscored material = new
[bracketed material] = delete

- 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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Underscored material = new
[bracketed material] = delete

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.

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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6 February 13, 1997

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8 Mr. President:

9
10 Your CONSERVATION COMMITTEE, to whom has been referred

11
12 SENATE BILL 467

13
14 has had it under consideration and reports same WITHOUT

15 RECOMMENDATION, and thence referred to the PUBLIC AFFAIRS

16
17 COMMITTEE.

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19 Respectfully submitted,

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23 _____
24 Michael S. Sanchez, Chairman
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FORTY- SECOND LEGI SLATURE
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KEYBOARD(TYPE SLUGS)

Page 5

Adopted _____ Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 4 For 3 Against

Yes: 4

No: Davis, Feldman, Tsosie

Excused: Eisenstadt, Kysar, Macias

Absent: None

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Underscored material = new
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1 FORTY- SECOND LEGI SLATURE
2 SECOND SESSI ON

3 **KEYBOARD(TYPE SLUGS)**

Page 6

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6 FORTY- THI RD LEGI SLATURE
7 FIRST SESSI ON, 1997
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10
11 February 26, 1997
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13 Mr. Presi dent:

14
15 Your PUBLIC AFFAIRS COMMI TTEE, to whom has been referred
16

17 SENATE BILL 467
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19 has had it under consideration and reports same with recommendation that
20 it DO PASS.
21

22 Respectfully submitted,
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Underscored material = new
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FORTY- SECOND LEGI SLATURE
SECOND SESSI ON

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KEYBOARD(TYPE SLUGS)

Page 7

Shannon Robi nson, Chai rman

Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boi tano, Garci a, Vern on, Smi th

Absent: None

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Underscored material = new
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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 7, 1997

Mr. Speaker:

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

SENATE BILL 467

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

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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 10 For 0 Against

Yes: 10

Excused: Ryan, Salazar

Absent: None

M \S0467

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 467

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 11 For 1 Against

Yes: 11

No: Vaughn

Excused: Rios

Absent: None

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Underscored material = new
[bracketed material] = delete