

HOUSE BILL 127

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

INTRODUCED BY

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AN ACT

RELATING TO RADIOACTIVE WASTE; AMENDING THE RADIOACTIVE AND  
HAZARDOUS MATERIALS ACT; PROHIBITING THE STORAGE OR DISPOSAL OF  
SPENT FUEL AND HIGH-LEVEL WASTE; AMENDING THE DEFINITION OF  
"DISPOSAL FACILITY"; AMENDING THE DUTIES AND COMPOSITION OF THE  
RADIOACTIVE WASTE CONSULTATION 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;

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underscoring material = new  
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1 health; environment; public safety; ~~[and highway and]~~  
2 transportation; homeland security and emergency management; and  
3 Indian affairs or their designees and the commissioner of  
4 public lands or the commissioner's designee. The ~~[chairman]~~  
5 chair and vice ~~[chairman]~~ chair of the committee, or their  
6 designees from the committee, shall be advisory members of the  
7 task force. The state fire marshal or ~~[his]~~ the state fire  
8 marshal's designee shall serve as a ~~[non-voting]~~ nonvoting  
9 member of the task force."

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

12 "74-4A-7. DUTIES OF THE TASK FORCE.--

13 A. The task force shall negotiate for the state  
14 with the federal government in all areas relating to siting,  
15 licensing and operation of new federal disposal facilities,  
16 including research, development and demonstration, for high-  
17 level radioactive wastes, transuranic radioactive wastes and  
18 low-level radioactive waste. This subsection shall not be  
19 construed to limit the powers of any agency otherwise  
20 authorized to negotiate with the federal government, and if  
21 such negotiation should also come within the authority of the  
22 task force, the task force shall provide assistance to that  
23 agency but shall not limit the agency's exercise of authority.  
24 Any action taken pursuant to this subsection may be disapproved  
25 by joint resolution of the legislature.

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

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

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

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

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

18           "74-4A-11.1. CONDITION.--No person shall store or dispose  
19 of radioactive materials or radioactive waste [~~or spent fuel~~]  
20 in a disposal facility until the state has concurred in the  
21 creation of the disposal facility, except as specifically  
22 preempted by federal law; provided that spent fuel and high-  
23 level waste shall not be stored or disposed of in the state;  
24 and provided further that the state or a political subdivision  
25 of the state shall not issue or certify a permit for the

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1 construction or operation of a disposal facility for spent fuel  
2 or high-level waste. As used in this section, "disposal  
3 facility" means an engineered surface, subsurface or  
4 underground facility designed primarily for the temporary or  
5 permanent isolation of radioactive materials, radioactive waste  
6 or spent fuel other than tailings or other waste from the  
7 extraction, beneficiation or processing of ores and minerals."

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