

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 53

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

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 THE STORAGE AND DISPOSAL OF RADIOACTIVE MATERIALS, TRANSURANIC CONTAMINATED WASTE OR LOW-LEVEL WASTE IN A DISPOSAL FACILITY UNTIL THE STATE HAS CONSENTED TO THE CREATION OF THE DISPOSAL FACILITY; PROHIBITING THE ISSUANCE OR CERTIFICATION OF A PERMIT FOR THE CONSTRUCTION OR OPERATION OF A DISPOSAL FACILITY FOR SPENT FUEL OR HIGH-LEVEL WASTE UNLESS THE STATE HAS CONSENTED TO THE CREATION OF

.224206.1AIC February 7, 2023 (1:43pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

THE DISPOSAL FACILITY AND A PERMANENT REPOSITORY IS IN OPERATION; 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 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.--

.224206.1AIC February 7, 2023 (1:43pm)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

A. The task force shall negotiate for the state with the federal government in all areas relating to siting, licensing and operation of new federal 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. SJC→~~■~~←SJC

SJC→F. The authority of the task force and its actions and those of state agencies with respect to federal or privately operated disposal or storage facilities are subject to the limitations contained in federal law and shall be consistent with federal law."←SJC

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]

A. A person shall not store or dispose of radioactive materials, [~~radioactive waste or spent fuel~~] transuranic contaminated waste or low-level waste in a disposal facility until the state has consented to or concurred in the creation of the disposal facility [~~except as specifically preempted by federal law~~].

B. SJC→~~To ensure the protection of the state's economy and natural resources, including water quality, and to advance environmental justice values, a~~←SJC SJC→A←SJC person shall not store or dispose of spent fuel or high-level waste in a disposal facility until:

(1) the state has consented to or concurred in the creation of the disposal facility; and

(2) a repository, as defined in 42 U.S.C. Section 10101(18), is in operation.

C. The state, a political subdivision of the state or an entity or authority created by a joint powers agreement

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

shall not issue, approve or certify a permit, contract, lease or license necessary for the construction or operation of a disposal facility for spent fuel or high-level waste until the conditions of Paragraphs (1) and (2) of Subsection B of this section are met.

D. As used in this section, "disposal facility" means an engineered surface, subsurface or underground facility designed primarily for the temporary, interim 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.

- 5 -

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←