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 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; transportation; homeland security and emergency management;
and Indian affairs or their designees and the commissioner of
public lands or the commissioner's designee. The chair and
vice chair of the committee, or their designees from the
committee, shall be advisory members of the task force. The
state fire marshal or the state fire marshal's designee shall
serve as a 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 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 at least annually with the committee and keep the committee apprised of all actions taken by the task force.

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."

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.--

A. A person shall not store or dispose of radioactive materials, 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.

B. A 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 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.