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SENATE BILL 122

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Carroll H. Leavell

FOR THE NEW MEXICO FINANCE AUTHORITY OVERSIGHT COMMITTEE

AN ACT

RELATING TO HAZARDOUS MATERIALS TRANSPORTATION; PROVIDING FOR  
DISTRIBUTION OF HAZARDOUS MATERIALS TRANSPORTATION PERMIT  
FEES; CREATING THE EMERGENCY RESPONSE FUND; MAKING AN  
APPROPRIATION.

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

Section 1. Section 74-4F-3 NMSA 1978 (being Laws 1996,  
Chapter 37, Section 3) is amended to read:

"74-4F-3. HAZARDOUS MATERIALS TRANSPORTATION PERMIT--  
DEPARTMENT DUTIES-- FEES. --

A. Except as provided in Section [~~4 of the  
Hazardous Materials Transportation Act~~] 74-4F-4 NMSA 1978, a  
person may not transport a hazardous material on a state or  
federal highway without a permit from the department.

B. The department shall establish regulations for

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1 the issuance of hazardous materials transportation permits and  
2 shall issue permits to applicants who meet the requirements of  
3 the regulations.

4 C. Hazardous materials transportation permits  
5 shall be issued for a period not to exceed twelve months for a  
6 fee of two hundred fifty dollars (\$250), regardless of the  
7 number of vehicles or combination of vehicles operated by the  
8 permit applicant, or the department may issue a permit for a  
9 single shipment of hazardous materials for a fee of seventy-  
10 five dollars (\$75.00).

11 D. Public entities may acquire a hazardous  
12 materials transportation permit exempt from the fee in  
13 Subsection C of this section.

14 E. A copy of any hazardous materials  
15 transportation permit issued pursuant to this section shall be  
16 carried in each vehicle included under conditions of the  
17 permit. Hazardous materials transportation permits shall be  
18 open for inspection by any peace officer.

19 F. Fees collected pursuant to this section shall  
20 be deposited in the ~~[general fund]~~ motor vehicle suspense fund  
21 and distributed at the end of each month. The net receipts  
22 collected pursuant to the provisions of this section shall be  
23 distributed to the emergency response fund. "

24 Section 2. A new section of the Emergency Management Act  
25 is enacted to read:

. 133991. 2

1           "[NEW MATERIAL] EMERGENCY RESPONSE FUND CREATED. --

2           A. The "emergency response fund" is created in  
3 the state treasury.

4           B. The department of public safety shall  
5 administer the emergency response fund for the purpose of  
6 equipping and training local first responders to emergencies  
7 involving transportation of hazardous materials and for the  
8 purpose of equipping and training regional hazardous material  
9 task forces capable of responding outside the jurisdiction of  
10 municipalities. The following procedures govern distributions  
11 from the fund:

12                   (1) municipalities or counties interested in  
13 receiving a distribution from the fund shall make application  
14 to the department of public safety;

15                   (2) distributions shall be made only after a  
16 complete inspection by the department of public safety in  
17 order to ensure that all equipment, training and staffing meet  
18 the requirements established by the task force for a  
19 technician level team;

20                   (3) distributions shall be made to a  
21 municipality or county only if the recipient agrees to provide  
22 regional hazardous materials first response to areas outside  
23 the recipient's boundaries;

24                   (4) distributions shall be made to a  
25 municipality or county only afer receiving input from the task

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1 force; and

2 (5) no distribution to a single county or  
3 municipality shall exceed thirty-five thousand dollars  
4 (\$35,000) in any fiscal year.

5 C. In addition to distributions made to  
6 municipalities and counties pursuant to Subsection B of this  
7 section, the department of public safety may expend up to  
8 seventy-five thousand dollars (\$75,000) annually from the  
9 emergency response fund for the training and equipping of  
10 small community fire departments without hazardous materials  
11 first response capabilities.

12 D. Money in the emergency response fund is  
13 appropriated to the department of public safety for the  
14 purpose of carrying out the provisions of Subsection B of this  
15 section. Money in the fund shall revert to the general fund  
16 at the end of a fiscal year. Disbursements from the fund  
17 shall be made by warrant drawn by the secretary of finance and  
18 administration pursuant to vouchers signed by the secretary of  
19 public safety or his authorized representative.

20 E. No portion of the emergency response fund shall  
21 be used for activities that are inconsistent with the federal  
22 Hazardous Materials Transportation Act. "

23 Section 3. EFFECTIVE DATE. -- The effective date of the  
24 provisions of this act is July 1, 2001.