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AN ACT

RELATING TO PUBLIC SAFETY; PROVIDING FOR REMEDIATION OF THE
DANGER POSED BY THE CARLSBAD BRINE WELL; CREATING THE
CARLSBAD BRINE WELL REMEDIATION ADVISORY AUTHORITY; CREATING
THE CARLSBAD BRINE WELL REMEDIATION FUND.

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

SECTION 1. CARLSBAD BRINE WELL REMEDIATION ADVISORY
AUTHORITY--CREATED--MEMBERSHIP--ADMINISTRATION OF THE
CARLSBAD BRINE WELL REMEDIATION.--

A. The "Carlsbad brine well remediation advisory
authority" is created. The authority shall be a governmental
entity of the state. The membership of the board of
directors of the authority shall consist of the following
eight members:

(1) the mayor of the city of Carlsbad, who
shall serve as chair of the board, or the mayor's designee;

(2) the chair of the Eddy county board of
county commissioners or the chair's designee;

(3) the secretary of energy, minerals and
natural resources or the secretary's designee;

(4) the secretary of environment or the
secretary's designee;

(5) the secretary of transportation or the
secretary's designee;

1 (6) the manager of the Carlsbad irrigation
2 district or the manager's designee;

3 (7) the state engineer or the engineer's
4 designee; and

5 (8) the attorney general or the attorney
6 general's designee.

7 B. The advisory authority:

8 (1) shall recommend policy for and advise
9 the oil conservation division of the energy, minerals and
10 natural resources department on the remediation of the
11 Carlsbad brine well located at: Unit Letter M (SW/4 of the
12 SW/4) in Section 17, Township 22 South, Range 27 East, NMPM;
13 Eddy County, New Mexico; and

14 (2) is granted all powers necessary and
15 appropriate to provide advice to the division for a revenue
16 source dedicated to the Carlsbad brine well remediation fund.

17 C. Nothing in this section shall be construed as a
18 waiver or alteration of the immunity from liability granted
19 pursuant to the Tort Claims Act or as a waiver of any other
20 immunity or privilege under law.

21 **SECTION 2. CARLSBAD BRINE WELL REMEDIATION FUND--**
22 **CREATED--PURPOSE--CONDITIONS.--**

23 A. There is created the "Carlsbad brine well
24 remediation fund". The energy, minerals and natural
25 resources department shall administer the fund. The fund

1 shall be used by the oil conservation division of the energy,
2 minerals and natural resources department to the extent that
3 revenues are available to remediate the Carlsbad brine well.

4 B. Money in the fund may consist of federal
5 grants, appropriations, donations, earnings from investment
6 of the fund and other revenue that from time to time may
7 accrue to the fund from other sources for remediation of the
8 Carlsbad brine well.

9 C. Money in the fund shall be subject to
10 appropriation by the legislature and shall not revert at the
11 end of any fiscal year.

12 D. Money in the fund shall be disbursed on
13 warrants signed by the secretary of finance and
14 administration pursuant to vouchers signed by the secretary
15 of energy, minerals and natural resources or the secretary's
16 authorized representative.

17 **SECTION 3. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.**

18 --The Carlsbad brine well remediation advisory authority is
19 terminated on July 1, 2029 pursuant to the Sunset Act. The
20 advisory authority shall continue to operate according to the
21 provisions of this act until July 1, 2030. Effective July 1,
22 2030, this act is repealed.

23 **SECTION 4. EFFECTIVE DATE.**--The effective date of the
24 provisions of this act is July 1, 2017._____