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HOUSE BILL

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

FOR THE RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE

AN ACT

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

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

SECTION 1. [NEW MATERIAL] CARLSBAD BRINE WELL REMEDIATION  
AUTHORITY--CREATED--MEMBERSHIP--ADMINISTRATION OF THE CARLSBAD  
BRINE WELL REMEDIATION.--

A. The "Carlsbad brine well remediation authority"  
is created. The membership of the board of directors of the  
authority shall consist of the following five 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

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1 county commissioners or the chair's designee;

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

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

6 (5) the manager of the Carlsbad irrigation  
7 district or the manager's designee.

8 B. The authority is subject to the provisions of  
9 the Procurement Code and other applicable state laws. The  
10 authority is a public body politic and corporate, separate and  
11 apart from the city of Carlsbad and Eddy county. The authority  
12 is a political subdivision of the state.

13 C. The authority:

14 (1) shall set policy and regulate, supervise  
15 and administer the remediation of the Carlsbad brine well;

16 (2) is granted all powers necessary and  
17 appropriate to carry out and effectuate its public and  
18 corporate purposes, including the authority to adopt procedural  
19 rules;

20 (3) may use city or county procurement  
21 processes or contract with the city or county to further its  
22 public and corporate purposes;

23 (4) may acquire, maintain, contract for or  
24 condemn property; and

25 (5) may adopt resolutions and rules necessary

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1 to exert the power conferred by this section.

2 D. The authority is subject to the provisions of  
3 the Eminent Domain Code.

4 SECTION 2. [NEW MATERIAL] CARLSBAD BRINE WELL REMEDIATION  
5 FUND--CREATED--PURPOSE--MONEY IN THE FUND--APPROPRIATION--  
6 CONDITIONS.--

7 A. There is created the "Carlsbad brine well  
8 remediation fund". The fund shall be used by the Carlsbad  
9 brine well remediation authority to the extent that revenues  
10 are available to remediate the Carlsbad brine well.

11 B. Money in the fund may consist of appropriations,  
12 donations, earnings from investment of the fund and other  
13 revenue that from time to time may accrue to the fund from  
14 other sources, such as the federal government, for remediation  
15 of the Carlsbad brine well.

16 SECTION 3. APPROPRIATION.--One hundred fifty thousand  
17 dollars (\$150,000) is appropriated from the general fund to the  
18 Carlsbad brine well remediation fund for expenditure in fiscal  
19 year 2017 and subsequent fiscal years to support the activities  
20 of the Carlsbad brine well remediation authority. Any  
21 unexpended or unencumbered balance remaining at the end of a  
22 fiscal year shall not revert to the general fund.

23 SECTION 4. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2016.