

HOUSE BILL 112

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

INTRODUCED BY

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This document incorporates committee amendments adopted during standing committee(s) consideration of this measure. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

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

.202294.1 Amendments in Context

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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 transportation or the secretary's designee; and

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

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

C. The authority:

(1) shall set policy and ~~regulate,~~ supervise and administer the remediation of the Carlsbad brine well located at Unit Letter M (SW/4 of the SW/4) in Section 17, Township 22 South, Range 27 East, NMPM; Eddy County, New Mexico;

(2) is granted all powers necessary and appropriate to carry out and effectuate its public and corporate purposes, including the authority to adopt procedural rules and issue revenue bonds pursuant to a revenue source dedicated to the authority or the Carlsbad brine well

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remediation fund;

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

(4) may acquire, maintain, contract for or condemn property; provided that any condemnation procedures shall be limited to the property where the brine well is located; and

(5) may adopt resolutions and rules necessary to exert the power conferred by this section.

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

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

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

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

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

The Carlsbad brine well remediation authority is terminated on July 1, 2027 pursuant to the Sunset Act. The authority shall continue to operate according to the provisions of this act until July 1, 2028. Effective July 1, 2028, this act is repealed. ~~SECTION 3.~~

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

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

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