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

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

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

B. The advisory authority:

(1) shall recommend policy for and advise
the oil conservation division of the energy, minerals and
natural resources department on 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; and

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

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

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

A. There is created the "Carlsbad brine well
remediation fund". The energy, minerals and natural
resources department shall administer the fund. The fund
shall be used by the oil conservation division of the energy, minerals and natural resources department to the extent that revenues are available to remediate the Carlsbad brine well.

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

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

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

SECTION 3. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.
--The Carlsbad brine well remediation advisory authority is terminated on July 1, 2029 pursuant to the Sunset Act. The advisory authority shall continue to operate according to the provisions of this act until July 1, 2030. Effective July 1, 2030, this act is repealed.

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