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AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
PROVIDING FOR REMEDIATION OF THE CARLSBAD BRINE WELL;  
AMENDING THE POWERS AND DUTIES OF THE CARLSBAD BRINE WELL  
REMEDATION AUTHORITY; ADMINISTRATIVELY ATTACHING THAT  
AUTHORITY TO THE ENERGY, MINERALS AND NATURAL RESOURCES  
DEPARTMENT; PROVIDING FOR AN EARLIER DELAYED REPEAL DATE;  
DECLARING AN EMERGENCY.

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

SECTION 1. Section 75-11-1 NMSA 1978 (being Laws 2017,  
Chapter 11, Section 1 and Laws 2017, Chapter 118, Section 1)  
is amended to read:

"75-11-1. CARLSBAD BRINE WELL REMEDIATION  
AUTHORITY--CREATED--MEMBERSHIP--POWERS AND DUTIES.--

A. The "Carlsbad brine well remediation authority"  
is created and is administratively attached to the energy,  
minerals and natural resources department.

B. The membership of the board of directors of the  
authority shall consist of the following eight members:

(1) the secretary of energy, minerals and  
natural resources or the secretary's designee, who shall  
serve as chair of the board;

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

1 (3) the mayor of the city of Carlsbad or the  
2 mayor's designee;

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

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

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

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

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

13 C. The authority shall set policy and regulate,  
14 supervise and administer the remediation of the Carlsbad  
15 brine well.

16 D. The authority may:

17 (1) promulgate rules to carry out the  
18 provisions of this section;

19 (2) make and execute all contracts and other  
20 instruments;

21 (3) contract with the municipality or county  
22 in fulfillment of its duties; and

23 (4) acquire, maintain or contract for  
24 property.

25 E. On or before November 15 of each year, the

1 authority shall report to the radioactive and hazardous  
2 materials interim committee and the legislative finance  
3 committee on the status of the remediation of the Carlsbad  
4 brine well and expenditures from the Carlsbad brine well  
5 remediation fund.

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

10 G. For the purposes of this section:

11 (1) "authority" means the Carlsbad brine  
12 well remediation authority; and

13 (2) "Carlsbad brine well" means the brine  
14 well located at SW/4 of the SW/4 in Section 17, Township 22  
15 South, Range 27 East, NMPM; Eddy County, New Mexico."

16 **SECTION 2.** Section 75-11-2 NMSA 1978 (being Laws 2017,  
17 Chapter 11, Section 2 and Laws 2017, Chapter 118, Section 2)  
18 is amended to read:

19 "75-11-2. CARLSBAD BRINE WELL REMEDIATION  
20 FUND--CREATED--PURPOSE--CONDITIONS.--

21 A. The "Carlsbad brine well remediation fund" is  
22 created in the state treasury. The energy, minerals and  
23 natural resources department shall administer the fund. The  
24 fund shall be used by the Carlsbad brine well remediation  
25 authority to the extent that revenues are available to

1 remediate the Carlsbad brine well or to acquire property  
2 adjacent to the Carlsbad brine well as required for its  
3 remediation.

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. Section 75-11-3 NMSA 1978 (being Laws 2017,  
18 Chapter 11, Section 3 and Laws 2017, Chapter 118, Section 3)  
19 is amended to read:

20 "75-11-3. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--  
21 The Carlsbad brine well remediation authority is terminated  
22 on July 1, 2025 pursuant to the Sunset Act. The authority  
23 shall continue to operate according to the provisions of  
24 Sections 75-11-1 and 75-11-2 NMSA 1978 until July 1, 2026.  
25 Effective July 1, 2026, Sections 75-11-1 and 75-11-2 NMSA

1 1978 are repealed."

2 SECTION 4. EMERGENCY.--It is necessary for the public  
3 peace, health and safety that this act take effect  
4 immediately. \_\_\_\_\_

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