

HOUSE JOINT MEMORIAL 1

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2020**

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING LEADERSHIP ON THE NEW MEXICO LEGISLATIVE COUNCIL TO  
REVIEW THE GOVERNOR'S RESPONSE TO THE CORONAVIRUS DISEASE 2019  
PANDEMIC AND MAKE RECOMMENDATIONS ON HOW BEST TO ADDRESS THE  
PUBLIC HEALTH, ECONOMIC AND EDUCATIONAL CONSEQUENCES OF THE  
STATE OF NEW MEXICO'S PANDEMIC RESPONSE.

WHEREAS, the coronavirus disease 2019 pandemic has  
continued for nearly nine months, and more than eighty-four  
thousand New Mexicans have tested positive for the disease,  
with one thousand four hundred related deaths from the disease  
across the state; and

WHEREAS, the governor and the secretary of health have  
issued numerous public health orders to address the spread of  
the coronavirus disease 2019; and

WHEREAS, the governor's actions and decisions during the

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1 coronavirus disease 2019 pandemic have been unilateral and  
2 typically made with little or no advance warning, advice or  
3 consultation with members of the legislature, yet the governor  
4 has appointed several advisory groups composed of unelected  
5 individuals who are helping to make public policy; and

6 WHEREAS, the governor's actions to impose stay-at-home  
7 orders and establish restrictions on and closures of New  
8 Mexico's businesses have resulted in the lives of New Mexicans  
9 being negatively impacted in terms of their economic and  
10 financial health as hundreds of thousands of jobs have been  
11 lost; and

12 WHEREAS, the governor has closed public schools and  
13 required remote learning, and New Mexico's students have been  
14 adversely impacted in terms of their educational advancement  
15 and psychological and social development, which has led to  
16 failing grades and increased suicides; and

17 WHEREAS, the governor's strict implementation of the  
18 department of environment's rapid response program has caused  
19 numerous grocery stores across the state to close and has  
20 forced New Mexicans to go to surrounding states with high  
21 coronavirus disease 2019 infection rates in order to purchase  
22 needed supplies; and

23 WHEREAS, the New Mexico legislative council has been  
24 advised that during the coronavirus disease 2019 pandemic, the  
25 governor overstepped her authority in making emergency

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1 appropriations from the general fund without legislative  
2 approval;

3 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
4 STATE OF NEW MEXICO that the New Mexico legislative council be  
5 requested to convene a subcommittee composed of the ten  
6 legislative leaders serving on the council to provide oversight  
7 of New Mexico's ongoing actions to curb the spread of  
8 coronavirus disease 2019 and to provide a process whereby the  
9 legislature exercises its constitutional authority as an equal  
10 branch of government in making public policy decisions during  
11 the coronavirus disease 2019 pandemic; and

12 BE IT FURTHER RESOLVED that the subcommittee be requested  
13 to review the governor's current and past public health orders  
14 to determine the orders' effectiveness in controlling the  
15 spread of coronavirus disease 2019, the proper utilization of  
16 New Mexico's health care system's capacity to effectively treat  
17 coronavirus disease 2019 patients, the economic impact and  
18 consequences of shutdowns and other business restrictions, the  
19 preservation of the state's ability to properly educate  
20 students and the impact on other public health outcomes  
21 resulting from the governor's actions; and

22 BE IT FURTHER RESOLVED that the subcommittee be requested  
23 to make recommendations to the governor and the legislature  
24 regarding how best to address the coronavirus disease 2019  
25 pandemic, including public health, economic and educational

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1 consequences imposed on the residents of New Mexico; and  
2 BE IT FURTHER RESOLVED that the subcommittee be requested  
3 to review the All Hazard Emergency Management Act and the  
4 Public Health Emergency Response Act to determine whether any  
5 modifications to those acts are needed to ensure that the  
6 legislature plays a role in future pandemics or other public  
7 health emergencies and whether the governor's powers under  
8 those acts should be changed in any way; and  
9 BE IT FURTHER RESOLVED that a report be issued to the  
10 legislature and the public identifying the subcommittee's  
11 findings on New Mexico's effectiveness in addressing the  
12 coronavirus disease 2019 pandemic; and  
13 BE IT FURTHER RESOLVED that copies of this memorial be  
14 transmitted to the co-chairs of the New Mexico legislative  
15 council.