

AN ACT

RELATING TO EMERGENCY MANAGEMENT; ENACTING THE EMERGENCY POWERS CODE; ENACTING THE EMERGENCY LICENSING ACT; RECOMPILING SECTIONS OF THE NMSA 1978 REGARDING DISASTER RELIEF AND EMERGENCY MANAGEMENT.

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

Section 1. A new section of Chapter 12 NMSA 1978 is enacted to read:

"SHORT TITLE.--Chapter 12, Articles 10, 10A, 11 and 12 NMSA 1978 may be cited as the "Emergency Powers Code"."

Section 2. A new section of Chapter 12 NMSA 1978 is enacted to read:

"SHORT TITLE.--Sections 12-10-11 through 12-10-13 NMSA 1978 may be cited as the "Emergency Licensing Act"."

Section 3. Section 12-10A-19 NMSA 1978 (being Laws 2003, Chapter 218, Section 19) is amended to read:

"12-10A-19. ENFORCEMENT--CIVIL PENALTIES.--

A. The secretary of health, the secretary of public safety or the director may enforce the provisions of the Public Health Emergency Response Act by imposing a civil administrative penalty of up to five thousand dollars (\$5,000) for each violation of that act. A civil administrative penalty may be imposed pursuant to a written order issued by the secretary of health, the secretary of public safety or the

director after a hearing is held in accordance with the rules promulgated pursuant to the provisions of Section 12-10A-17 NMSA 1978.

B. The provisions of the Public Health Emergency Response Act shall not be construed to limit specific enforcement powers enumerated in that act.

C. The enforcement authority provided pursuant to the provisions of the Public Health Emergency Response Act is in addition to other remedies available against the same conduct under the common law or other statutes of this state."

Section 4. TEMPORARY PROVISION--RECOMPILATION.--

A. Sections 6-7-1 through 6-7-3 NMSA 1978 (being Laws 1955, Chapter 185, Sections 1 through 3, as amended) are recompiled as part of Chapter 12, Article 11 NMSA 1978.

B. Sections 11-15-1 and 11-15-2 NMSA 1978 (being Laws 1999, Chapter 87, Sections 1 and 2) are recompiled as part of Chapter 12, Article 10 NMSA 1978.

C. Sections 30-20-4 through 30-20-9 NMSA 1978 (being Laws 1969, Chapter 281, Sections 1 through 6) are recompiled as part of Chapter 12, Article 10 NMSA 1978.

D. Sections 70-8-1 through 70-8-6 NMSA 1978 (being Laws 1974, Chapter 22, Sections 1 through 5, Laws 1979, Chapter 174, Section 3 and Laws 1974, Chapter 22, Section 6, as amended) are recompiled as part of Chapter 12, Article 12 NMSA 1978.

E. Sections 74-4B-1 through 74-4B-14 NMSA 1978 (being Laws 1983, Chapter 80, Sections 1 through 6, Laws 1984, Chapter 41, Section 6, Laws 1983, Chapter 80, Sections 7 through 10, Laws 1984, Chapter 41, Section 9 and Laws 1992, Chapter 5, Sections 2 and 3, as amended) are recompiled as part of Chapter 12, Article 12 NMSA 1978.

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2005. _____