

State of New Mexico
House of Representatives

FIFTY-FOURTH LEGISLATURE
FIRST SPECIAL SESSION

June 18, 2020

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 3

Amendment sponsored by Representative Greg Nibert

1. On page 1, line 11, after the semicolon, insert "REQUIRING LEGISLATIVE APPROVAL TO EXTEND AN EMERGENCY DECLARATION PURSUANT TO THE EMERGENCY POWERS CODE; PROVIDING THAT A STATE OF EMERGENCY OR INVOCATION OF EMERGENCY POWERS TERMINATES AFTER THIRTY DAYS UNLESS EXTENDED;".

2. On page 1, between lines 20 and 21, insert the following new sections:

"SECTION 1. A new section of the Emergency Powers Code is enacted to read:

"[NEW MATERIAL] TERMINATION AND EXTENSION--DECLARED EMERGENCY--
EMERGENCY POWERS.--

A. The declaration of an emergency or disaster or the invocation of powers pursuant to an act in the Emergency Powers Code, excluding the Riot Control Act, shall not continue in effect for longer than thirty days unless extended by joint resolution of the legislature in regular, special or extraordinary session.

B. If the governor determines that an extension of an emergency declaration or emergency powers is necessary before the expiration of the thirty-day period, the governor shall submit to the legislature a request for an extension of the state of emergency or the invocation of emergency powers. The request shall include the specific reasons for the extension, the time period of the extension, a plan of action to address the conditions that necessitate the extension and specific requests for any appropriations necessary to address the emergency. All subsequent

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requests for an extension shall be submitted to the legislature before the expiration of the extension that is in effect.

C. If the legislature is not in session when required to consider an extension pursuant to this section, the governor shall call the legislature into special session for that purpose."

SECTION 2. Section 12-10A-5 NMSA 1978 (being Laws 2003, Chapter 218, Section 5) is amended to read:

"12-10A-5. DECLARING A STATE OF PUBLIC HEALTH EMERGENCY--
TERMINATING THE EMERGENCY.--

A. A state of public health emergency may be declared by the governor upon the occurrence of a public health emergency. Prior to a declaration of a state of public health emergency, the governor shall consult with the secretary of health. The governor shall authorize the secretary of health, the secretary of public safety and the director to coordinate a response to the public health emergency.

B. A state of public health emergency shall be declared in an executive order that specifies:

- (1) the nature of the public health emergency;
- (2) the political subdivisions or geographic areas affected by the public health emergency;
- (3) the conditions that caused the public health emergency;
- (4) the expected duration of the public health emergency, if less than thirty days;
- (5) the public health officials needed to assist in the coordination of a public health emergency response; and

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(6) any other provisions necessary to implement the executive order.

C. A declaration of a state of public health emergency shall not abrogate any disease-reporting requirements set forth in the Public Health Act.

D. A declaration of a state of public health emergency shall be terminated:

(1) by the governor, after consultation with the secretary of health, upon determining that there is no longer a public health emergency; or

(2) automatically after thirty days, unless ~~renewed by the governor after consultation with the secretary of health~~ extended by joint resolution of the legislature in regular, special or extraordinary session.

E. Upon the termination of a state of public health emergency, the secretary of health shall consult with the secretary of public safety and the director to ensure public safety during termination procedures."

SECTION 3. Section 12-12-6 NMSA 1978 (being Laws 1980, Chapter 107, Section 6) is amended to read:

"12-12-6. LEGISLATIVE EXTENSION--REDUCTION--SUSPENSION.--In no event shall any executive order issued pursuant to the powers granted in Subsection B of Section [~~3 of the Energy Emergency Powers Act~~] 12-12-3 NMSA 1978 continue in effect for more than [~~one hundred twenty~~] thirty days unless extended, restricted or suspended by joint resolution of the legislature in regular, extraordinary or special session.""

3. Renumber the succeeding sections accordingly.

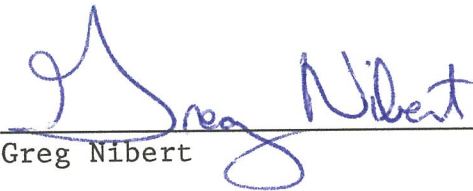
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4. On page 3, line 8, strike "1 through 4" and insert in lieu thereof "4 through 7".



Greg Nibert

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____