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HOUSE BILL 251

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

David M Parsons

AN ACT

RELATING TO EMERGENCY RELIEF; DEFINING RESOURCES AND SERVICES THAT MAY BE PROVIDED BY THE STATE AFTER THE DECLARATION OF A DISASTER OR EMERGENCY.

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

Section 1. Section 6-7-3 NMSA 1978 (being Laws 1955, Chapter 185, Section 3, as amended) is amended to read:

"6-7-3. EXPENDITURE OF FUNDS--MANNER. --The [moneys] money appropriated by Sections [~~11-7-1 and 11-7-2 NMSA 1953~~] 6-7-1 and 6-7-2 NMSA 1978 shall be expended for disaster relief for any disaster declared by the governor to be of such magnitude as to be beyond local control and requiring the resources of the state. [~~Such~~] The funds shall be expended by the governor or any agent or agency designated by him for [~~such~~] those purposes, either as a state project or for

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1 securing matching federal funds. [~~Said moneys~~] The money
2 shall be paid out upon warrants drawn by the secretary of
3 finance and administration upon vouchers approved by the
4 governor or [~~such~~] an agent or agency designated by him for
5 [~~such~~] that purpose. As used in this section, "state project"
6 means an expenditure by a state agency to provide those
7 resources and services necessary to avoid or minimize economic
8 or physical harm to a region and its citizens until a
9 situation becomes stabilized and again under local self-
10 support and control. "State project" may include any
11 expenditure on a temporary, emergency basis for lodging,
12 health care, food, any transportation or shipping necessary to
13 protect lives or property; or for any other action necessary
14 to protect the public health, safety and welfare. "

15 Section 2. Section 12-10-4 NMSA 1978 (being Laws 1959,
16 Chapter 190, Section 5, as amended) is amended to read:

17 "12-10-4. CIVIL EMERGENCY PREPAREDNESS-- POWERS OF THE
18 GOVERNOR. --

19 A. The governor shall have general direction and
20 control of the activities of the emergency planning and
21 coordination bureau and shall be responsible for carrying out
22 the provisions of the State Civil Emergency Preparedness Act
23 and, in the event of [~~disaster beyond local control~~] any man-
24 made or natural disaster causing or threatening widespread
25 physical or economic harm to a region and its citizens that is

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1 beyond local control and requiring the resources of the state
2 shall exercise direction and control over any and all state
3 forces and resources engaged in emergency operations or
4 related civil emergency preparedness functions within the
5 state.

6 B. In carrying out the provisions of the State
7 Civil Emergency Preparedness Act, the governor is authorized
8 to:

9 (1) cooperate with the federal government and
10 agree to carry out civil emergency preparedness
11 responsibilities delegated in accordance with existing federal
12 laws and policies and cooperate with other states and with
13 private agencies in all matters relating to the civil
14 emergency preparedness of the state and nation;

15 (2) issue, amend or rescind the necessary
16 orders, regulations and procedures to carry out the provisions
17 of the State Civil Emergency Preparedness Act;

18 (3) provide those resources and services
19 necessary to avoid or minimize economic or physical harm to a
20 region and its citizens until a situation becomes stabilized
21 and again under local self-support and control, including the
22 provision, on a temporary, emergency basis, for lodging,
23 health care, food, any transportation or shipping necessary to
24 protect lives or property; or for any other action necessary
25 to protect the public health, safety and welfare;

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1 [~~3~~] (4) prepare a comprehensive plan and
2 program for the civil emergency preparedness of the state and
3 to integrate the state plan and program with the civil
4 emergency preparedness plans and programs of the federal
5 government and other states and to coordinate the preparation
6 of plans and programs for civil emergency preparedness by
7 the political subdivisions of this state;

8 [~~4~~] (5) procure supplies and equipment, to
9 institute training programs and public information programs
10 and to take all necessary preparatory actions, including the
11 partial or full mobilization of state and local government
12 forces and resources in advance of actual disaster, to
13 [~~insure~~] ensure the furnishing of adequately trained and
14 equipped emergency forces of government and auxiliary
15 personnel to cope with disasters resulting from enemy attack
16 or other causes; and

17 [~~5~~] (6) enter into mutual aid agreements
18 with other states and to coordinate mutual aid agreements
19 between political subdivisions of the state. "

20 Section 3. Section 20-2-3 NMSA 1978 (being Laws 1987,
21 Chapter 318, Section 10) is amended to read:

22 "20-2-3. GOVERNOR--POWER TO CALL OUT MILITIA.--

23 A. The governor may, in case of insurrection,
24 invasion, riot or breach of the peace or of imminent danger
25 thereof or in case of other emergency, order into active

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1 service of the state the militia or any components or parts
2 thereof [~~which~~] that have not been called into federal
3 service. As used in this section, "emergency" includes any
4 man-made or natural disaster causing or threatening widespread
5 physical or economic harm to a region and its citizens that is
6 beyond local control and requiring the resources of the state.

7 B. In case of any breach of the peace, tumult,
8 riot or resistance to process of this state or imminent danger
9 thereof, the sheriff of a county may call for aid from the
10 governor as commander-in-chief of the national guard. If it
11 appears to the governor that the power of the county is
12 insufficient to enable the sheriff to preserve the peace and
13 protect the lives and property of the peaceful residents of
14 the county or to overcome the resistance to process of this
15 state, the governor shall, on application of the sheriff,
16 order out such military force as is necessary.

17 C. When any portion of the militia is called out
18 for the purpose of suppressing an unlawful or riotous
19 assembly, the commander of the troops shall cooperate with the
20 civil officers to the fullest extent consistent with the
21 accomplishment of the object for which the troops were called.
22 The civil officials may express to the commander of the troops
23 the general or specific objective [~~which~~] that the civil
24 officials desire to accomplish, but the tactical direction of
25 the troops, the kind and extent of force to be used and the

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1 particular means to be employed to accomplish the object
2 specified by the civil officers shall be left solely to the
3 commander of the troops present on duty.

4 D. When any portion of the militia is ordered into
5 active service pursuant to this section in case of an
6 emergency, the militia may provide those resources and
7 services necessary to avoid or minimize economic or physical
8 harm to a region and its citizens until a situation becomes
9 stabilized and again under local self-support and control,
10 including the provision, on a temporary, emergency basis, for
11 lodging, health care, food, any transportation or shipping
12 necessary to protect lives or property; or for any other
13 action necessary to protect the public health, safety and
14 welfare.

15 [~~D.~~] E. In the event of the exercise by the
16 governor of the powers under this section, the governor shall
17 first utilize the personnel and assets of the national guard
18 and only in their absence or insufficiency utilize the
19 personnel and assets of the state defense force. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 11, 1999

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8 Mr. Speaker:

9
10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred

12
13 HOUSE BILL 251

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

17 1. On page 2, line 8, strike "to a region and its
18 citizens".

19
20 2. On page 2, line 11, after "lodging," insert
21 "sheltering,".

22
23 3. On page 2, line 13, before "property" insert "public".

24
25 4. On page 2, line 25, strike "to a region and its
citizens".

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5. On page 3, lines 19 and 20, strike "to a region and
its citizens".

6. On page 3, line 22, after "lodging," insert
"sheltering,".

7. On page 3, line 24, before "property" insert "public".

8. On page 5, line 5, strike "to a region and its
citizens".

9. On page 6, line 8, strike "to a region and its
citizens".

10. On page 6, line 11, after "lodging," insert
"sheltering,".

11. On page 6, line 12, before "property" insert
"public".,

and thence referred to the APPROPRIATIONS AND FINANCE
COMMI TTEE.

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Respectfully submitted,

James G. Taylor, Chairman

Adopted _____

(Chief Clerk)

Not Adopted _____

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: None

Absent: None

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 February 22, 1999

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 251, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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20 _____
21 Max Coll, Chairman
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FIRST SESSION, 1999

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 16 For 0 Against

Yes: 16

Excused: Watchman

Absent: None

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