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HOUSE BILL 2

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

INTRODUCED BY

Greg Nibert and William "Bill" R. Rehm and Gregg Schmedes  
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AN ACT

RELATING TO EMERGENCY POWERS; 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 BY THE LEGISLATURE; AMENDING AND ENACTING SECTIONS OF  
THE NMSA 1978; DECLARING AN EMERGENCY.

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

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

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1 in effect for longer than thirty days unless extended by joint  
2 resolution of the legislature in regular, special or  
3 extraordinary session.

4 B. If the governor determines that an extension of  
5 an emergency declaration or emergency powers is necessary  
6 before the expiration of the thirty-day period, the governor  
7 shall submit to the legislature a request for an extension of  
8 the state of emergency or the invocation of emergency powers.  
9 The request shall include the specific reasons for the  
10 extension, the time period of the extension, a plan of action  
11 to address the conditions that necessitate the extension and  
12 specific requests for any appropriations necessary to address  
13 the emergency. All subsequent requests for an extension shall  
14 be submitted to the legislature before the expiration of the  
15 extension that is in effect.

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

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

22 "12-10A-5. DECLARING A STATE OF PUBLIC HEALTH EMERGENCY--  
23 TERMINATING THE EMERGENCY.--

24 A. A state of public health emergency may be  
25 declared by the governor upon the occurrence of a public health

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1 emergency. Prior to a declaration of a state of public health  
2 emergency, the governor shall consult with the secretary of  
3 health. The governor shall authorize the secretary of health,  
4 the secretary of public safety and the director to coordinate a  
5 response to the public health emergency.

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

8 (1) the nature of the public health emergency;

9 (2) the political subdivisions or geographic  
10 areas affected by the public health emergency;

11 (3) the conditions that caused the public  
12 health emergency;

13 (4) the expected duration of the public health  
14 emergency, if less than thirty days;

15 (5) the public health officials needed to  
16 assist in the coordination of a public health emergency  
17 response; and

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

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

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

25 (1) by the governor, after consultation with

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1 the secretary of health, upon determining that there is no  
2 longer a public health emergency; or

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

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

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

13 "12-12-6. LEGISLATIVE EXTENSION--REDUCTION--SUSPENSION.--  
14 In no event shall any executive order issued pursuant to the  
15 powers granted in Subsection B of Section [~~3 of the Energy~~  
16 ~~Emergency Powers Act~~] 12-12-3 NMSA 1978 continue in effect for  
17 more than [~~one hundred twenty~~] thirty days unless extended,  
18 restricted or suspended by joint resolution of the legislature  
19 in regular, extraordinary or special session."

20 SECTION 4. EMERGENCY.--It is necessary for the public  
21 peace, health and safety that this act take effect immediately.