

ity and use of temporary, emergency housing for evacuees.”

The bill also makes technical adjustments to existing language.

Significant Issues

DPS notes that the New Mexico Riot Control Act provides that, upon the request of a political subdivision of the state, the governor may make an emergency declaration.

The Department of Military Affairs (DMA) notes that the New Mexico Constitution endows the governor with the power to take any necessary action to protect the public health, safety and welfare. N.M. Constitution Art. V Section 4 reads as follows:

“The supreme executive power of the state shall be vested in the governor, who shall take care that the laws be faithfully executed. He shall be commander in chief of the military forces of the state, except when they are called into the service of the United States. He shall have power to call out the militia to preserve the public peace, execute the laws, suppress insurrection and repel invasion.”

Department of Public Safety (DPS), Department of Health (DOH) and AG note that there is currently no statutory authority to allow local, county or state government the specific ability to evacuate citizens from a natural or man-made disaster. DOH indicates that the proposed language is based on that of evacuation statutes from the southeastern part of the country, where hurricanes are prevalent.

The bill was endorsed by three interim legislative committees: the Corrections Oversight and Justice Committee, the Information Technology and Oversight Committee, and the Legislative Health and Human Services Committee.

FISCAL IMPLICATIONS

Section 30-20-8 of the Riot Control Act provides that any person who, during a state of emergency, fails to comply with restrictions imposed by proclamation of the governor is guilty of a misdemeanor, and upon conviction of a second or subsequent offense under this section, is guilty of a fourth degree felony.

The Administrative Office of the Courts (AOC) notes that, depending upon whether the Act generates or avoids a significant amount of litigation, there may be fiscal implications for the judiciary.

RELATIONSHIP

Relates to HB 231, HB 232, HB 254 and SB 194

JCF/yr