HOUSE JOINT RESOLUTION 6

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 4 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT A DECLARATION OF A STATE OF EMERGENCY PURSUANT TO A POWER GRANTED TO THE GOVERNOR BY LAW TERMINATES AFTER NINETY DAYS UNLESS THE GOVERNOR CALLS THE LEGISLATURE INTO SPECIAL SESSION TO ADDRESS THE CIRCUMSTANCES OF THE EMERGENCY AND TO REQUIRE A THREE-FIFTHS' VOTE OF THE LEGISLATURE TO RESTRICT, SUSPEND OR TERMINATE THE EMERGENCY DECLARATION.

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

SECTION 1. It is proposed to amend Article 4 of the constitution of New Mexico by adding a new section to read:

"A. A declaration of a state of emergency issued by the governor pursuant to a power granted to the governor in law shall cease to be in effect after ninety days unless the

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1   governor calls the legislature into special session to address

2   the circumstances of the state of emergency.

3   B.   The special session called pursuant to

4   Subsection A of this section shall convene no later than the

5   ninetieth day after the initial declaration of the state of

6   emergency.

7   C.   The legislature may restrict, suspend or

8   terminate a declaration of a state of emergency by joint

9   resolution upon the affirmative vote of three-fifths of the

10 members in each chamber. If the legislature does not act to

11 restrict, suspend or terminate a declaration of a state of

12 emergency, then the declaration may be extended by the governor

13 for a period not to exceed sixty days from the date of

14 adjournment of the special session.

15   D.   A declaration of a state of emergency shall be

16 extended for no more than sixty days. The governor shall call

17 the legislature into special session before the expiration of

18 an extension to consider an additional extension, and this

19 procedure shall be repeated until the declaration of the state

20 of emergency is terminated by the governor or the legislature

21 or automatically upon expiration of the extension if the

22 governor fails to call the legislature into special session

23 pursuant to the provisions of this section.

24   E.   The governor may only declare one state of

25 emergency for an event, and any effort to declare another state

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1   of emergency for the same event requires prior consent of the

2   legislature for the declaration to be effective.

3   F.   Nothing in this amendment shall modify Article

4   4, Section 2 of the constitution of New Mexico."

5   **SECTION 2.**   The amendment proposed by this resolution

6   shall be submitted to the people for their approval or

7   rejection at the next general election or at any special

8   election prior to that date that may be called for that

9   purpose.

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