



State of New Mexico

Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER 2009-022

EMERGENCY FUNDS FOR FORESTRY DIVISION OF THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT (EMNRD Forestry's 7th request for FY 2009)

WHEREAS, wildland fires are occurring statewide and conditions for wildland fires are dangerous and expected to increase;

WHEREAS, the Forestry Division of the Energy, Minerals and Natural Resources Department has incurred expenditures beginning July 1, 2008, in budget fiscal year 2009, for personnel, firefighters, supplies and contract services for aircraft and equipment and the majority of these expenditures are with state vendors, local government and federal agencies;

WHEREAS, emergency funds shall be expended by the Forestry Division of the Energy, Minerals and Natural Resources Department for the purposes of pre-positioning resources, continuing the Governor's Public Service Announcement to publicize fire danger conditions and responding to wildland fires and in order to ensure that preparation will be adequate to deal with such disasters;

WHEREAS, these wildland fires are of such magnitude as to be beyond local control and require state resources; including Incident Commanders, firefighters, dispatchers, engines and hand crews, as well as emergency action to protect the peace, health, and safety and to preserve the lives and property of the people of the State of New Mexico;

WHEREAS, the Forestry Division of the Energy, Minerals and Natural Resources Department is responsible for prevention and suppression of wildland fires on all non-federal and non-municipal lands in the state, as authorized under the Forest Conservation Act, NMSA 1978, Sections 68-2-1 to 68-2-25;

WHEREAS, the Forestry Division of the Energy, Minerals and Natural Resources Department is designated as the agent of the state and authorized to enter into contracts and agreements with the Secretary of Agriculture of the United States and other state, federal and private agencies or organizations to prevent and suppress wildfires pursuant to NMSA 1978, Section 68-2-6; and

WHEREAS, pursuant to NMSA 1978, Section 12-11-25, emergency funds shall be expended by the Governor or any agent or agency designated by him either as a state project or for securing matching funds when the disaster is beyond local control and requires state resources to avoid or minimize economic or physical harm and to take action necessary to protect the public health, safety, and welfare.

NOW, THEREFORE I, Bill Richardson, Governor of the State of New Mexico, by the authority vested in me by the Constitution and the Laws of the State of New Mexico do hereby declare an emergency situation exists, and therefore, authorize the Department of Finance and Administration, pursuant to NMSA 1978 Sections 12-11-23 through 12-11-25, to provide emergency financial resources in the amount of seven hundred fifty thousand dollars (\$750,000) to the Energy, Minerals and Natural Resources Department. Funds shall be expended for the purpose of wildland fire disaster relief, post fire rehabilitation, adequate preparation including pre-positioning to deal with such disasters as a project, or for securing matching funds for emergencies, and specifically shall be expended to avoid and minimize economic or physical harm and to protect the public health, safety and welfare. Funds shall be paid out only in an amount specified by warrants drawn by the Secretary of the Department of Finance Administration upon vouchers approved by the Governor or an agent or agency designated by him.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as the Governor rescinds it.

ATTEST:


MARY HERRERA
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE THIS
12TH DAY OF JUNE, 2009

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO


BILL RICHARDSON
GOVERNOR

