

June 30, 2020

HOUSE EXECUTIVE MESSAGE NO. 4

The Honorable Brian Egolf, Jr., Speaker of the House and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501

Dear Speaker Egolf and Members of the House:

In March, I was proud to sign into law a forward-looking budget for all New Mexicans. It invested in teachers, improved access to higher education, supported meaningful economic development and created a framework for early childhood education that will provide enduring opportunity for a prosperous future. Unfortunately, in the days and months since, our State has endured a public health emergency with lasting economic and social impacts. This public health emergency has required New Mexican's to make tremendous sacrifices for the greater good. Lives have been saved through the prudent observation of stay-at-home requirements and the restriction or closure of certain businesses and events. To compound matters, the additional impact of unusually dramatic fluctuations in oil and gas prices during this time has created a "perfect storm" that further alters the State's economic and budgetary outlook.

We must recalibrate our State's budget to meet these challenging times. However, we should not lose sight of the important work that is still needed to create lasting opportunities for all New Mexicans, so that we may be prepared for the challenges that lie ahead. I have exercised my constitutional veto authority mindful of these dual objectives.

I this day SIGN and RETURN:

HOUSE BILL 1, as amended with certificate of correction ("House Bill 1"), which was enacted by the Fifty-Fourth Legislature, First Special Session, 2020, except the following items, part or parts, which I hereby veto pursuant to the authority granted me in Article IV, Section 22 of the New Mexico Constitution:

On page 4, I have vetoed lines 9 through 11.

On page 4, I have vetoed lines 20 through 21.

On page 7, I have vetoed lines 4 through 5.

On page 7, I have vetoed lines 18 through 24.

On page 13, line 17, starting with the word “all,” I have vetoed through the words “exhausted and,” and on line 17, after the word “a”, I have vetoed the remainder of the line. The vetoed language would have imposed an impracticable condition that would unduly restrict the Public Education Department’s executive managerial function.

On page 18, I have vetoed lines 13 through 16.

On page 18, I have vetoed lines 17 through 20.

On page 20, I have vetoed lines 20 through 24.

On page 21, I have vetoed lines 11 through 14.

On page 22, line 1, starting with the word “ten,” I have vetoed through the remainder of the line, and on line 2, I have vetoed through the word “of.” On line 4, after the word “fund”, I have vetoed the remainder of the line, and on line 5, I have vetoed through the word “scholarship”.

On page 28, I have vetoed all of lines 3 through 25, and on page 29, I have vetoed all of lines 1 through 25, and on page 30, I have vetoed line 1.

I have vetoed parts of House Bill 1 that impermissibly intrude into the executive managerial function. I object to provisions in House Bill 1 that unduly restrain agency functions and exceed the Legislature’s proper, constitutionally defined role in violation of the distribution of powers established by Article III, Section 1 of the New Mexico Constitution. See New Mexico ex rel. Coll v. Carruthers, 1988-NMSC-057, ¶¶ 11-36, 107 N.M. 439, 759 P.2d 1380.

Relatedly, I have vetoed parts of House Bill 1 that impermissibly attempt to appropriate or control federal funds to have been allocated to a New Mexico governmental entity. The Supreme Court of New Mexico has concluded that federal contributions are not a proper subject of the Legislature’s appropriative power, and the Legislature’s attempt to control the use of such funds infringes “the executive function of administration.” State ex rel. Seago v. Kirkpatrick, 1974-NMSC-059, 86 N.M. 359, 524, P.2d 975 (quotation marks and citation omitted); see also Coll, 1988-NMSC, ¶ 23.

Respectfully yours,

Michelle Lujan Grisham
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: _____ a.m. p.m.

Date: _____ 2020

By _____

Secretary of State

Time: _____ a.m. p.m.

Date: _____ 2020

By _____

Chief Clerk of the House