

April 7, 2023

SENATE EXECUTIVE MESSAGE NO. 27

The Honorable Mimi Stewart, President Pro Tempore
and Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

Dear President Pro Tempore Stewart and Members of the Senate:

I appreciate the House's and Senate's efforts, which I embraced at the beginning of the Session, to establish guidelines for SENATE FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILL 192, as amended, with certification of correction, commonly known as the "Junior Bill." While I continue to have concerns about appropriating through the Junior Bill, this year's legislation is a significant improvement over prior years.

Nonetheless, I have vetoed those parts of the Act that do not comply with our agreed upon guidelines. Specifically, I have vetoed items that violate the Anti-Donation Clause of the New Mexico Constitution, items that create recurring expenditures, and items that should have been addressed through the capital outlay process.

I have also vetoed parts of the Act that impermissibly attempt to create substantive law, a practice that Article IV, Section 16 of the New Mexico Constitution precludes. Similarly, I have vetoed provisions of the Act that attempt to enact general policy by imposing, for example, reporting or other requirements that do not exist in substantive law. Such general policies are "better addressed by general legislation and [are] not suitable for inclusion in the general appropriation bill." *State ex rel. Coll v. Carruthers*, 1988-NMSC-057, ¶ 13, 107 N.M. 439, 759 P.2d 1380.

Finally, I have vetoed parts of the Act that impermissibly infringe upon the executive managerial function. I object to provisions in the Act that unduly restrict appropriations to specified types of expenditures. These restrictions on agency functions exceed the Legislature's proper, constitutionally defined role, unduly constraining the Executive's ability to effectively administer programs to meet the State's needs, in violation of the distribution of powers established by Article III, Section 1 of the New Mexico Constitution. *See generally Coll*, 1988-NMSC-057, ¶¶ 11-36.

Accordingly, I this day SIGN and RETURN:

SENATE FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILL 192, as amended, with certification of correction, which was enacted during the Fifty Sixth Legislature, First Session, 2023, except the following item or items, part or parts, which I hereby veto pursuant to the authority granted to me in Article IV, Section 22 of the New Mexico Constitution:

On page 1, line 13, I have vetoed the words “or unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

On page 1, line 19, I have vetoed the words “or unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

On page 3, line 17, I have vetoed the words “in Aztec”. The vetoed language would unnecessarily restrict the availability and efficient use of funds.

On page 4, line 18, I have vetoed the words “or unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

On page 4, I have vetoed lines 21 through 23.

On page 5, I have vetoed lines 16 through 20.

On page 6, I have vetoed lines 18 through 22.

On page 7, line 19, I have vetoed the second instance of the word “and” and I have vetoed lines 20 through 23.

On page 8, I have vetoed lines 15 through 17.

On page 8, I have vetoed lines 18 through 24.

On page 11, line 20, I have vetoed from the word “and” through the end of the line, and on line 21 I have vetoed from the beginning of the line through the word “festival”. The vetoed language would have (effectively) appropriated state funds to a private entity, in violation of the Anti-Donation Clause, Article IX, Section 14 of the New Mexico Constitution.

On page 11, line 23, I have vetoed from the word “an” through the end of the line, and on line 24, I have vetoed from the beginning of the line through the word “at”. The vetoed language would have (effectively) appropriated state funds to a private entity, in violation of the Anti-Donation Clause, Article IX, Section 14 of the New Mexico Constitution.

On page 12, line 20, I have vetoed the word “east”. The vetoed language would unnecessarily restrict the availability and efficient use of funds.

On page 13, I have vetoed lines 6 through 8.

On page 14, I have vetoed lines 8 and 9.

On page 15, I have vetoed lines 2 through 4.

On page 15, line 6, I have vetoed the words “improvements to” and “Hartley House”. The vetoed language would have (effectively) appropriated state funds to a private entity, in violation of the Anti-Donation Clause, Article IX, Section 14 of the New Mexico Constitution.

On page 15, I have vetoed line 25, and on page 16, I have vetoed lines 1 and 2.

On page 16, I have vetoed lines 21 through 23.

On page 17, line 22, I have vetoed the word “and”, and I have vetoed lines 23 through 25.

On page 19, I have vetoed lines 7 and 8.

On page 20, I have vetoed lines 5 through 7.

On page 24, line 15, I have vetoed the words “resource officer”. The vetoed language would provide recurring funds for personnel.

On page 25, line 5, I have vetoed from the word “in” through the end of the line, I have vetoed line 6, and on line 7 I have vetoed from the beginning of the line through the word “values”. The vetoed language would have (effectively) appropriated state funds to a private entity, in violation of the Anti-Donation Clause, Article IX, Section 14 of the New Mexico Constitution.

On page 25, I have vetoed line 8 and on line 9, I have vetoed from the beginning of the line through the semicolon.

On page 25, I have vetoed lines 19 and 20 and on line 21, I have vetoed from the beginning of the line through the semicolon.

On page 26, I have vetoed lines 1 and 2.

On page 26, line 4, I have vetoed the words “and improvements”. The vetoed language would allow the funds to be spent on projects not capable of completion before reversion.

On page 26, I have vetoed lines 15 through 17.

On page 27, line 2, I have vetoed from the word “for” through the word “and”. The vetoed language would allow the funds to be spent on projects not capable of completion before reversion.

On page 27, I have vetoed lines 6 through 8.

On page 27, I have vetoed lines 12 through 14.

On page 28, I have vetoed lines 7 through 9.

On page 29, I have vetoed lines 13 through 15.

On page 29, I have vetoed lines 16 through 18.

On page 29, I have vetoed lines 22 through 24.

On page 32, line 3, I have vetoed the words “for operational funding”. The vetoed language would provide recurring funds for personnel.

On page 32, line 9, I have vetoed the words “or unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

On page 33, line 3, I have vetoed the words “to contract”. The vetoed language would have rendered the appropriation unfeasible.

On page 33, line 6, I have vetoed from the comma through the end of the line, and on line 7, I have vetoed from the beginning of the line through “2024”. The vetoed language is redundant and duplicative of the underlying fund’s governing law.

On page 35, line 2, I have vetoed the words “or unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

On page 36, I have vetoed lines 18 and 19, and on line 20, I have vetoed from the beginning of the line through the first instance of the word “and”. The vetoed language would unnecessarily restrict the availability and efficient use of funds.

On page 38, line 6, I have vetoed the word “and” and I have vetoed lines 7 through 11.

On page 39, line 17, I have vetoed the words “fund assistance with planning and improving”. The vetoed language would unnecessarily restrict the availability and efficient use of funds.

On page 39, line 23, I have vetoed the words “or unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

On page 42, line 23, I have vetoed the words “a coordinator position in”. The vetoed language would provide recurring funds for personnel.

On page 49, line 12, I have vetoed the words “or unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

On page 51, I have vetoed lines 2 through 10.

On page 51, line 15, I have vetoed the word “or” and on line 16, I have vetoed the word “unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

On page 52, I have vetoed lines 22 through 25. The vetoed language would have impermissibly infringed upon the managerial function and authority of the Executive.

On page 53, line 13, I have vetoed the words “interns and” and the second instance of the word “in”, and on line 14, I have vetoed the words “house district 28”. The vetoed language would provide recurring funds for personnel.

On page 53, line 17, I have vetoed the word “and” and I have vetoed lines 18 through 20.

On page 53, line 22, I have vetoed the words “facilities improvements and”.

On page 54, I have vetoed lines 12 through 14.

On page 56, line 15, I have vetoed the words “or unencumbered”. The vetoed language would permit an agency to retain an appropriation indefinitely, thereby stranding General Fund resources. This stranding is inconsistent with sound budgeting and prevents the money from being reappropriated, applied to state reserves, or otherwise put to timely and constructive use.

Respectfully yours,

Michelle Lujan Grisham
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: _____ a.m. p.m.

Date: _____ 2023

By _____
Secretary of State of New Mexico

Time: _____ a.m. p.m.

Date: _____ 2023

By _____
Chief Clerk of the Senate