

**LFC Requester:**

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**  
**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 1/19/25 *Check all that apply:*  
**Bill Number:** HJR 2 Original  Correction   
 Amendment  Substitute

**Sponsor:** Rep. Matthew McQueen **Agency Name and Code** AOC  
**Short Title:** Eliminate Pocket Vetoes, CA **Number:** 218  
**Title:** \_\_\_\_\_ **Person Writing** Kathleen Sabo  
**Phone:** 505-470-3214 **Email** aoccaj@nmcourts.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None	Rec.	General

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HJR 2 proposes to amend Article 4, Section 22 of the Constitution of NM to eliminate the pocket veto, as follows:

- Subsection A: require the governor to veto a bill passed by the legislature, if the governor disapproves of it.
- Subsection B: remove the provision that unless a bill presented to the governor during the last three days is approved and signed by the governor within 20 days of adjournment, the bill does not become law. Instead, HJR 2 proposes that a bill presented to the governor during the last three days of the session is required to be approved or vetoed by the governor within 20 days of adjournment, and, unless vetoed by the governor, such a bill passed by the legislature shall become law.
- Subsection D: requires the governor, when returning a veto pursuant to Subsection A, to provide an explanation for the veto.

HJR 2 also makes technical changes to Article 4, Section 22.

HJR 2 requires the proposed amendment be submitted to voters for approval or rejection at the next general election or at any special election prior to that date.

#### **FISCAL IMPLICATIONS**

Any burden to the judiciary would be as a result to challenges to the proposed constitutional amendment, should it be approved by the voters.

#### **SIGNIFICANT ISSUES**

- 1) In 2021, SJR 2 was introduced, seeking to eliminate the pocket veto. SJR 2 was substantially similar to 2025's HJR 2, requiring the governor to provide an explanation for each veto.

The FIR for 2021's SJR 2 contained a table compiled by the Legislative Council Service, showing that from 2010 to 2020, the governor vetoed 423 bills presented by the legislature, and that, of these, 221 bills, or more than half of the vetoed bills, were not approved and were pocket vetoed, after the legislature adjourned.

The FIR also contained the following objections to SJR 2 from the Office of the Governor:

- Eliminating the governor's pocket veto authority would be a significant intrusion into the governor's pocket veto authority would be a significant intrusion into the governor's executive authority and would disrupt the balance of power contemplated by the NM Constitution. The Office of the Governor opines that, "A governor's constitutionally valued discretion should not be removed from the veto power conferred by the state constitution.
- The requirement that the governor provide a written explanation for every veto would chill a governor's use of the veto power by creating an unnecessary burden

to explain every veto.

- SJR 2 would not guarantee any additional transparency, as there are no enforceable standards for the required veto explanation.
- 2) In reporting on the proposed HJR 2 and other joint resolutions seeking to change how bills are passed in the NM legislature, Source NM reported that after the 2023 session, Governor Michelle Lujan Grisham left 21 pieces of legislation unsigned. See “*Lawmaker proposes taking away governor’s power to ‘pocket veto’*”, Austin Fisher, January 5, 2024, at <https://sourcencm.com/2024/01/05/lawmaker-proposes-taking-away-governors-power-to-pocket-veto/>.
- 3) In Colorado, when a bill is sent to the Governor, he or she has three options:
- The Governor may sign the bill, and the bill becomes law;
  - The Governor may let the bill become law without signature; or
  - The Governor may veto the bill. If the Governor vetoes the bill while the General Assembly is still in session, the Governor will return the bill to the house of introduction along with the veto message. The General Assembly can override the Governor's veto if both chambers of the General Assembly repass the bill with a two-thirds majority vote from each chamber. If the General Assembly has adjourned, there is no opportunity for an override.
- See <https://leg.colorado.gov/agencies/office-legislative-legal-services/legislative-process-0>. See also Article IV, Section 11 of the Colorado Constitution.
- 4) There is no guidance as to what depth or level of explanation a veto message must go.

#### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

#### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

#### **AMENDMENTS**