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State of New Mexico

Michelle Lujan Grisham
Governor

March 6, 2024

HOUSE EXECUTIVE MESSAGE NO. 63

The Honorable Javier Martinez, Speaker of the House and
Members of the New Mexico House of Representatives
State Capitol Building
Santa Fe, NM 87501

Speaker Martinez and Members of the House:

In January, I submitted a budget that continues the historic and prudent investments we've made over the last few years. Through our efforts, we've forged a path towards a brighter future for all New Mexicans, focusing on vital areas such as affordable housing, homelessness, education, healthcare, public safety and environment. I am pleased that the Legislature prioritized these important initiatives and align with my administration's commitment to spending within our means with an eye toward accountability, while also seizing fiscal opportunities at hand.

Notwithstanding the above accomplishments, I have vetoed parts of the General Appropriations 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 intrude into 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 Coll*, 1988-NMSC-057, ¶¶ 11-36.

Accordingly, I this day SIGN and RETURN:

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILLS 2 AND 3, as amended, with certification of correction, enacted during the Fifty Sixth Legislature, Second Session, 2024, 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 35, line 21, I have vetoed from the comma following the word “fund” through the end of the line, I have vetoed all of line 22, and on line 23, I have vetoed from the beginning of the line through “1978”. It is inappropriate for the Legislature to impose this requirement on state agencies at this time.

On page 90, line 5, I have vetoed from the word “but” through the word “costs”. The vetoed language would prevent the agency from using appropriated funds for required nonmedical costs.

On page 91, line 13, I have vetoed the words “any” and “quarterly”, on line 14, I have vetoed from the word “The” through the end of the line, and I have vetoed all of line 15. This language inappropriately adds unrelated substantive law to the appropriation bill.

On page 109, line 12, I have vetoed the words “for services”. The vetoed language unnecessarily restricts the use of funds.

On page 109, line 15, I have vetoed from the word “including” through the end of the line, all of lines 16 and 17, and on line 18, I have vetoed the word “services”. The vetoed language would unreasonably infringe upon the executive managerial function.

On page 117, line 23, I have vetoed the words “evidence-based”. The vetoed language would prevent the agency from utilizing current research-based programming.

On page 120, line 24, I have vetoed the word “to” and on line 25, I have vetoed from the word “increase” to the word “prisons”. The vetoed language would have unduly constrained the Corrections Department’s ability to use appropriated funds to address needs in both public and private correctional facilities, thereby infringing on the executive managerial function.

On page 132, I have vetoed lines 3 and 4. The vetoed language would interfere with the executive managerial function.

On page 135, line 20, I have vetoed from the word “and” through the end of the line, and on line 21, I have vetoed from the word “legislative” through word “committee”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 138, line 19, I have vetoed from the second instance of the word “The” through the end of the line, and I have vetoed all of lines 20 through 23. The Opportunity Scholarship Act already requires this report and requires unexpended to revert to the Opportunity Scholarship Fund rather than the general fund.

On page 175, line 22, I have vetoed from the comma through the end of the line, and on line 23, I have vetoed the word “committee”. Setting the unit value is an executive function.

On page 177, I have vetoed all of lines 3 through 5. This requirement would interfere with the executive managerial function.

On page 183, I have vetoed all of lines 2 through 6. The contingency attached to this appropriation has failed.

On page 186, I have vetoed from the beginning of line 15 through the comma. The vetoed language would present an overly burdensome and unnecessary administrative requirement.

On page 187, I have vetoed lines 10 through 19. The vetoed language prevents current appropriations from being spent, which are otherwise committed, and tribal community projects should be addressed separately in the capital outlay bill.

On page 187, line 22, I have vetoed from the comma through the word “providers”. The vetoed language would inappropriately restrict use of the appropriation.

On page 196, line 20, I have vetoed from the comma following the word “funds” to the comma following the word “numbers”. The vetoed language would inappropriately specify reporting requirements that should be determined by the agency.

On page 202, line 15, I have vetoed the words “human services”, and on line 19, I have vetoed the words “human services”. The vetoed language refers to the Human Services Department, which will not statutorily exist in fiscal year 2025.

On page 204, line 4, I have vetoed the words “the construction of”. The requirements of this appropriation are outside the scope of the agency’s statutory duties.

On page 204, line 7, I have vetoed the words “the construction of”. The requirements of this appropriation are outside the scope of the agency’s statutory duties.

On page 205, line 17, I have vetoed from the word “contract” through the word “can”, and on line 18, I have vetoed the words “among infants”. The vetoed language misunderstands the scope of the Department of Health’s Syphilis Prep Intervention in Community program and would inappropriately interfere with the executive managerial function.

On page 207, line 12, I have vetoed the words “a mobile unit to expand”. The appropriation for a mobile unit is duplicated in the capital outlay bill.

On page 207, line 23, I have vetoed the words “to implement”, and on line 24, I have vetoed from the beginning of the line through the word “workers” and from the word “for” to the end of the line. On line 25, I have vetoed from the beginning of the line through the word “graduates”, and I have vetoed the words “evidence-based”. On page 208, line 1, I have vetoed from the beginning of the line through the word “work” and I have vetoed the second instance of the words “social work”. The vetoed language would interfere with the executive managerial function.

On page 209, line 10, I have vetoed beginning with the word “law” through the word “for”. The vetoed language would inappropriately restrict use of the appropriation.

On page 209, I have vetoed all of lines 21 through 24. This reauthorization language is unnecessary because has already been established as nonreverting.

On page 212, line 8, I have vetoed from the word “including” through the closing parenthesis, and on line 9, I have vetoed from the beginning of the line through the closing parenthesis. The vetoed language inappropriately specifies funding distributions in a manner that should be determined by the agency.

On page 214, I have vetoed lines 1 through 3. The contingency attached to this appropriation has failed.

On page 214, line 11, I have vetoed beginning with the word “to” through the word “institution”. The vetoed language would inappropriately interfere with the executive managerial function and prevent the Higher Education Department from fulfilling obligations already encumbered to support the Mesalands Community College.

On page 215, line 20, I have vetoed the word “youth”, and I have vetoed from the period through the end of the line. On line 21, I have vetoed from the beginning of the line through the first comma, and I have vetoed from the second comma through the end of the line. On line 22, I have vetoed from the beginning of the line through the word “healthcare”. The vetoed language would unnecessarily restrict use of the appropriation.

On page 216, line 8, I have vetoed beginning with the word “fund” through the end of the line, and on line 9, I have vetoed from the beginning of the line through the first period. The vetoed language infringes upon the executive managerial function by reducing the Higher Education Department’s ability to assess and award funding to projects eligible under existing rules and statutes.

On page 216, I have vetoed lines 18 and 19. This funding was not requested as a Research and Public Service Project or a special appropriation.

On page 216, I have vetoed lines 20 and 21. This funding was not requested as a Research and Public Service Project or a special appropriation.

On page 216, I have vetoed lines 22 and 23. This funding was not requested as a Research and Public Service Project or a special appropriation.

On page 217, I have vetoed lines 18 and 19. The Higher Education Department did not recommend capital outlay funds for this project because New Mexico State University could not demonstrate their coordination and collaboration with the Doña Ana Community College and the New Mexico Media Academy.

On page 221, I have vetoed lines 13 through 17. The contingency attached to this appropriation has failed.

On page 237, line 8, I have vetoed from the word "cost" through the second instance of the word "for". The vetoed language would unreasonably infringe upon the executive managerial function to determine state employee health insurance premium rates.

On page 238, line 7, I have vetoed from the second instance of the word "The" through the end of the line, I have vetoed all of lines 8 and 9, and on line 10, I have vetoed from the beginning of the line through the period. Such requirements are already established in the Accountability in Government Act.

On page 238, line 16, I have vetoed the words "randomized control". The vetoed language would unreasonably infringe upon the executive managerial function and impose an overly burdensome and expensive condition on a pilot project.

On page 238, line 20, I have vetoed the words "randomized control". The vetoed language would unreasonably infringe upon the executive managerial function and impose an overly burdensome and expensive condition on a pilot project.

On page 239, line 1, I have vetoed beginning with the word "targeted" through the end of the line, and on line 2, I have vetoed from the beginning of the line through the word "adults" and I have vetoed the word "employment". The vetoed language inappropriately restricts use of the funding.

On page 239, line 4, I have vetoed from the word "re-employment" through the second instance of the word "and", and I have vetoed the word "targeted". I have vetoed all of line 5, and on line 6, I have vetoed from the beginning of the line through the word "school". The vetoed language inappropriately restricts use of the funding.

On page 239, line 18, I have vetoed the word "quarterly". The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 239, line 23, I have vetoed the words "evidence-based", and on line 25, I have vetoed the word "quarterly". The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 240, line 8, I have vetoed the word "quarterly". The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 240, line 15, I have vetoed the words "evidence-based", and on line 16, I have vetoed from the comma through the end of the line. On line 17, I have vetoed from the beginning of the line through the word "medicaid", and I have vetoed the word "quarterly". On line 18, I have vetoed the words "evidence-based" and the word "that", and on line 19, I have vetoed from the beginning of the line through the word "reimbursement". The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies. The vetoed language would also infringe upon the executive managerial function by, *inter alia*, prohibiting the agency from utilizing research-based programming.

On page 241, line 3, I have vetoed the word "state". On line 5, I have vetoed beginning with the word "and" through the word "development". On line 8, I have vetoed from the second instance of the word "The" through the end of the line, and I have vetoed all of lines 9 and 10. The vetoed language would infringe upon the executive managerial function by prohibiting the Higher Education Department from assessing each implementation plan individually and distributing based on verified need.

On page 241, line 24, I have vetoed from the second instance of the word "The" through the end of the line, and all of line 25. On page 242, I have vetoed all of line 1, and on line 2, I have vetoed from the beginning of the line through the period. Such requirements are already established in the Accountability in Government Act.

On page 242, line 8, I have vetoed the words "randomized control". The vetoed language would unreasonably infringe upon the executive managerial function and impose an overly burdensome and expensive condition on a pilot project.

On page 242, line 12, I have vetoed the words "randomized control". The vetoed language would unreasonably infringe upon the executive managerial function and impose an overly burdensome and expensive condition on a pilot project.

On page 242, line 18, I have vetoed from the word "targeted" through the end of the line, and on line 19, I have vetoed from the beginning of the line through the word "adults" and I have vetoed the word "employment". The vetoed language inappropriately restricts use of the funding.

On page 242, line 21, I have vetoed from the word “re-employment” through the second instance of the word “and”, and I have vetoed the word “targeted”. I have vetoed all of line 22, and on line 23 I have vetoed from the beginning of the line through the word “school”. The vetoed language inappropriately restricts use of the funding.

On page 243, line 10, I have vetoed the word “quarterly”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 243, line 15, I have vetoed the words “evidence-based”, and on line 17, I have vetoed the word “quarterly”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 243, line 25, I have vetoed the word “quarterly”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 244, line 7, I have vetoed the words “evidence-based”. On line 8, I have vetoed beginning with the word “published” through the end of the line, and I have vetoed through the comma on line 9. On line 11, I have vetoed the words “quarterly” and “evidence-based” and on line 12, I have vetoed from the word “that” through the word “reimbursement”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies. The vetoed language would also infringe upon the executive managerial function by, *inter alia*, prohibiting the agency from utilizing research-based programming.

On page 244, line 21, I have vetoed the word “state”, and on line 23, I have vetoed from the word “and” through the word “development”. On page 245, line 1, I have vetoed from the second instance of the word “The” through the end of the line, and I have vetoed all of lines 2 and 3. The vetoed language would infringe upon the executive managerial function by prohibiting the Higher Education Department from assessing each implementation plan individually and distributing based on verified need.

On page 245, line 17, I have vetoed from the second instance of the word “The” through the end of the line. I have vetoed all of lines 18 and 19, and on line 20, I have vetoed from the beginning of the line through the period. Such requirements are already established in the Accountability in Government Act.

On page 246, line 1, I have vetoed the words “randomized control”. The vetoed language would unreasonably infringe upon the executive managerial function and impose an overly burdensome and expensive condition on a pilot project.

On page 246, line 5, I have vetoed the words “randomized control”. The vetoed language would unreasonably infringe upon the executive managerial function and impose an overly burdensome and expensive condition on a pilot project.

On page 246, line 11, I have vetoed from the word “targeted” through the end of the line, and on line 12, I have vetoed from the beginning of the line through the word “adults” and I have vetoed the word “employment”. The vetoed language inappropriately restricts use of the funding.

On page 246, line 14, I have vetoed from the word “re-employment” through the second instance of the word “and”, and I have vetoed the word “targeted.” I have vetoed all of line 15, and on line 16, I have vetoed from the beginning of the line through the word “school”. The vetoed language inappropriately restricts use of the funding.

On page 247, line 3, I have vetoed the word “quarterly”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 247, line 8, I have vetoed the words “evidence-based”, and on line 10, I have vetoed the word “quarterly”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies. The vetoed language would also infringe upon the executive managerial function by, *inter alia*, prohibiting the agency from utilizing research-based programming.

On page 247, line 18, I have vetoed the word “quarterly”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies.

On page 247, line 25, I have vetoed the words “evidence-based”. On page 248, line 1, I have vetoed beginning with the word “published” through the end of the line, and on line 2, I have vetoed from the beginning of the line through the comma. On line 4, I have vetoed the word “quarterly” and the words “evidence-based”. On line 5, I have vetoed from the word “that” through the end of the line, and on line 6, I have vetoed the word “reimbursement”. The vetoed language is unnecessary because the Legislature already has several opportunities throughout the year to monitor the progress of executive agencies. The vetoed language would also infringe upon the executive managerial function by, *inter alia*, prohibiting the agency from utilizing research-based programming.

On page 248, line 15, I have vetoed the word “state”. On line 17, I have vetoed from the word “and” through the word “development”. On line 20, I have vetoed from the second instance of the word “The” through the end of the line, and I have vetoed all of lines 21 and 22. The vetoed language would infringe upon the executive managerial function by prohibiting the Higher Education Department from assessing each implementation plan individually and distributing based on verified need.

On page 251, I have vetoed all of lines 6 through 8. The contingency attached to this appropriation has failed.

On page 251, line 15, I have vetoed from the word "for" through the end of the line, and on line 16, I have vetoed from the beginning of the line through the word "association". The vetoed language appears to violate Article IX, Section 14 of the New Mexico Constitution.

On page 254, line 13, I have vetoed from the word "for" through the word "fame". The vetoed language appears to violate Article IX, Section 14 of the New Mexico Constitution.

On page 254, line 23, I have vetoed from the word "and" through the end of the line, and on line 24, I have vetoed the word "statewide" and from the word "to" through the end of the line. It is unclear if the vetoed language violates Article IX, Section 14 of the New Mexico Constitution.

On page 261, line 7, I have vetoed from the word "for" through the word "center". It is unclear if the vetoed language violates Article IX, Section 14 of the New Mexico Constitution.

On page 274, line 17, I have vetoed the words "ksfr Santa Fe". The vetoed language appears to violate Article IX, Section 14 of the New Mexico Constitution.

On page 274, line 19, I have vetoed from the first instance of the word "and" through the word "development". The vetoed language misunderstands how curriculum and instructional development is funded.

On page 275, line 16, I have vetoed from the first comma through the word "resources". Eliminating the vetoed language will ensure that the funds are used to target the area of highest need at this time (i.e., mental health).

On page 275, line 19, I have vetoed from the first comma through the end of the line, and on line 20, from the beginning of the line through the word "resources". Eliminating the vetoed language will ensure that the funds are used to target the area of highest need at this time (i.e., mental health).

On page 275, line 22, I have vetoed from the word "new" through the end of the line, and on line 23, I have vetoed from the beginning of the line through the word "in". The vetoed language creates a recurring program with nonrecurring funding.

On page 275, line 24, I have vetoed from the word "operating" through the end of the line, and on line 25, I have vetoed from the beginning of the line through the word "by". The vetoed language creates a recurring program with nonrecurring funding.

On page 276, line 16, I have vetoed from the first comma through the word "resources". The vetoed language is already funded through other line-item appropriations.

On page 276, line 22, I have vetoed the word "for" and on line 23, I have vetoed from the beginning of the line through the word "support". Also on line 23, I have vetoed from the second comma through the end of the line, and on line 24, I have vetoed from the beginning of the line through the word "resources". The vetoed language is already funded through other line-item appropriations.

On page 277, line 1, I have vetoed from the first comma through the word "resources". Eliminating the vetoed language will ensure that the funds are used to target the area of highest need at this time (i.e., mental health).

On page 277, line 7, I have vetoed from the second comma through the end of the line, and I have vetoed the word "benefits" on line 8. The vetoed language creates a recurring program with nonrecurring funding.

On page 284, line 15, I have vetoed beginning with the word "with" through the end of the line, all of line 16, and on line 17, from the beginning of the line through the word "regulations". It is inappropriate for the Legislature to impose such requirements when the agency already follows federal regulations.

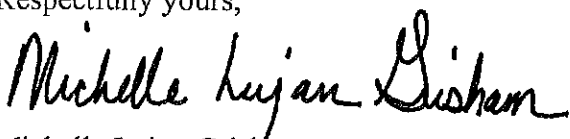
On page 286, line 20, I have vetoed beginning with the word "with" through the end of the line, all of line 21, and on line 22 from the beginning of the line through the word "regulations". It is inappropriate for the legislature to impose such requirements when the agency already follows federal regulations.

On page 288, line 1, I have vetoed from the word "up" through the end of the line, and on line 2, I have vetoed from the beginning of the line through the second parenthesis and I have vetoed the word "balance". On line 3, I have vetoed the word "other" and the words "to federal regulators". The limit imposed on the agency prevents it from meeting statutory requirements.

On page 294, line 9, I have vetoed the word "balance" and the word "other", and on line 10, I have vetoed the words "to federal regulators". The vetoed language misperceives the legislative intent of Senate Bill 336 from last year's legislative session and misunderstands who receives insurance payments.

On page 298, line 16, I have vetoed beginning with the word "from" through the word "income". The vetoed language would have inappropriately restricted the use of the agency's funds.

Respectfully yours,



Michelle Lujan Grisham
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 11:34 (a.m.) p.m.
Date: 03/06 2024

By Mindy Gray
Secretary of State

Time: 12:09 a.m. (p.m.)
Date: March 6, 2024

By Susan M. Ditz McCutcheon
Chief Clerk of the House