



STATE OF NEW MEXICO EXECUTIVE OFFICE SANTA FE, NEW MEXICO

Proclamation

WHEREAS, ARTICLE IV, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO PROVIDES THAT SPECIAL SESSIONS OF THE LEGISLATURE MAY BE CALLED BY THE GOVERNOR;

WHEREAS, ARTICLE IV, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO FURTHER PROVIDES THAT NO BUSINESS SHALL BE TRANSACTED EXCEPT SUCH AS RELATES TO OBJECTS SPECIFIED IN THE PROCLAMATION ISSUED BY THE GOVERNOR;

WHEREAS, PASSAGE AND ENACTMENT OF A BALANCED BUDGET FOR FISCAL YEAR 2018 AND REPLENISHING GENERAL FUND RESERVES ARE CRITICAL TO THE OPERATION OF GOVERNMENT AND PRESERVATION OF THE ECONOMIC HEALTH, WELFARE, AND PUBLIC SAFETY OF NEW MEXICO AND ITS CITIZENS;

WHEREAS, IT IS INCUMBENT UPON STATE GOVERNMENT OFFICIALS TO BALANCE THE BUDGET, REPLENISH GENERAL FUND RESERVES, AND PROVIDE A FOUNDATION FOR ENDURING ECONOMIC STABILITY;

WHEREAS, IMMEDIATE CONSIDERATION OF ISSUES CRITICAL TO THE ECONOMIC HEALTH, WELFARE, AND PUBLIC SAFETY OF NEW MEXICO AND ITS CITIZENS IS NECESSARY AND SUCH CONDITIONS HAVE ARISEN SINCE THE CONCLUSION OF THE FIRST SESSION OF THE FIFTY-THIRD LEGISLATURE;

WHEREAS, ARTICLE IX, SECTION 8 OF THE CONSTITUTION OF NEW MEXICO REQUIRES THE STATE'S BUDGET TO BE BALANCED BY RESTRICTING STATE INDEBTEDNESS;

WHEREAS, THE FIRST SESSION OF THE FIFTY-THIRD LEGISLATURE ADJOURNED ON MARCH 18, 2017, WITH THE LEGISLATURE PASSING AN UNBALANCED BUDGET, THE GENERAL APPROPRIATION ACT OF 2017, FOR THE STATE OF NEW MEXICO FOR FISCAL YEAR 2018;

WHEREAS, THE GOVERNOR SIGNED THE GENERAL APPROPRIATION ACT OF 2017 PURSUANT TO ARTICLE IV, SECTION 22 OF THE CONSTITUTION OF NEW MEXICO;

WHEREAS, THE CERTAIN PART OR PARTS, ITEM OR ITEMS, OF THE GENERAL APPROPRIATION ACT OF 2017 THAT WERE VETOED BY THE GOVERNOR PREVENTED THE ENACTMENT OF AN UNBALANCED BUDGET FOR FISCAL YEAR 2018;

WHEREAS, THERE IS NOW AN ESSENTIAL AND IMMEDIATE NEED TO ENACT A MORE RESPONSIBLE BUDGET FOR THE NEW MEXICO HIGHER EDUCATION INSTITUTIONS AND THE LEGISLATIVE AGENCIES THAT ARE PROVIDED FOR IN STATE STATUTE TO ASSIST NEW MEXICO'S VOLUNTARY LEGISLATURE FOR FISCAL YEAR 2018, AND, IN ADDITION, TO PASS REASONABLE APPROPRIATIONS FOR THE JUDICIARY TO COVER A POTENTIAL SHORTFALL RELATED TO MAGISTRATE COURT LEASES;

WHEREAS, THE FISCAL YEAR 2018 BUDGET FOR PUBLIC EDUCATION IS NOT BALANCED WITHOUT AUTHORIZATION OF THE ISSUANCE OF SUPPLEMENTAL SEVERANCE TAX BONDS TO FUND THE PURCHASE OF INSTRUCTIONAL MATERIALS AND SCHOOL TRANSPORTATION NEEDS;

WHEREAS, HOUSE BILL 412 WOULD HAVE PROVIDED A COMPREHENSIVE TAX REFORM PACKAGE;

WHEREAS, HOUSE BILL 191, AS ORIGINALLY INTRODUCED, WOULD HAVE PROVIDED THE STATE WITH A TRUE RAINY-DAY FUND;

WHEREAS, THE STATE BUDGET SHOULD BE BALANCED BY MAKING FISCALLY RESPONSIBLE REDUCTIONS TO STATE EXPENDITURES AND THROUGH COMPREHENSIVE TAX REFORM WITHOUT RAISING TAXES;

WHEREAS, ARTICLE XII, SECTION 13 OF THE CONSTITUTION OF NEW MEXICO REQUIRES THE GOVERNOR TO NOMINATE AND, BY AND WITH THE CONSENT OF THE SENATE, APPOINT MEMBERS OF EACH BOARD OF REGENTS FOR STATE HIGHER EDUCATION INSTITUTIONS;

WHEREAS, THE CONTROL AND MANAGEMENT OF THE STATE HIGHER EDUCATION INSTITUTIONS, AS WELL AS THE DISBURSEMENTS AND EXPENDITURES OF FUNDS BY THOSE INSTITUTIONS, IS VESTED WITH EACH BOARD OF REGENTS;

WHEREAS, THE GOVERNOR DELIVERED TO THE SENATE THE NAMES OF EIGHTEEN NOMINEES FOR APPOINTMENT OR REAPPOINTMENT TO THE POSITION OF REGENT OF A STATE HIGHER EDUCATION INSTITUTION DURING THE FIRST SESSION OF THE FIFTY-THIRD LEGISLATURE;

WHEREAS, THE SENATE REFUSED TO HOLD HEARINGS TO CONSIDER THE QUALIFICATIONS OF EIGHT NOMINEES FOR REGENT OF A STATE HIGHER EDUCATION INSTITUTION DURING THE FIRST SESSION OF THE FIFTY-THIRD LEGISLATURE AND HAS SINCE FAILED TO HOLD INTERIM MEETINGS FOR THE PURPOSE OF CONFIRMATION HEARINGS TO CONSIDER THESE EIGHT NOMINEES;

WHEREAS, ARTICLE XII, SECTION 13 OF THE CONSTITUTION OF NEW MEXICO PROVIDES FOR THE STAGGERED TERMS OF UNIVERSITY REGENTS AND PREVENTS REMOVAL OF REGENTS BY THE GOVERNOR TO ENSURE CONTINUITY OF GOVERNANCE AND PREVENT DRAMATIC SHIFTS OR UNDUE INFLUENCE;

WHEREAS, INACTION ON SENATE CONFIRMATION UNDERMINES THE LETTER OF THE CONSTITUTION AND COMPROMISES THE POLICIES IT IS INTENDED TO PROMOTE;

NOW, THEREFORE I, SUSANA MARTINEZ, GOVERNOR OF THE STATE OF NEW MEXICO, BY VIRTUE OF THE AUTHORITY VESTED IN ME PURSUANT TO THE CONSTITUTION OF THE STATE OF NEW MEXICO, DO HEREBY CALL THE FIFTY-THIRD LEGISLATURE INTO SPECIAL SESSION AT NOON ON MAY 24, 2017, AT THE STATE CAPITOL IN SANTA FE. IN ACCORDANCE WITH ARTICLE IV, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO, THIS SPECIAL SESSION IS CALLED FOR THE PURPOSE OF CONSIDERING AND ENACTING LEGISLATION CONCERNING THE FOLLOWING OBJECTS AND NO OTHERS:

1. A GENERAL APPROPRIATION ACT THAT PROVIDES SPECIFIC FUNDING FOR LEGISLATIVE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION;
2. LEGISLATION PROVIDING FOR COMPREHENSIVE TAX REFORM AS CONTAINED IN HOUSE BILL 412, INTRODUCED IN THE FIRST SESSION OF THE FIFTY-THIRD LEGISLATURE, WHICH, MOST SIGNIFICANTLY, BROADENS THE EXISTING GROSS RECEIPTS TAX BASE, PROVIDES RELIEF FROM BUSINESS TO BUSINESS TAX PYRAMIDING, AND LOWERS THE OVERALL GROSS RECEIPTS TAX RATE;
3. LEGISLATION REPEALING THE TAXPAYERS DIVIDEND FUND AND PROVIDING FOR REVENUE DISTRIBUTION IN EXCESS OF A FIVE-YEAR AVERAGE OF THE OIL AND GAS EMERGENCY SCHOOL TAX TO THE TAX STABILIZATION RESERVE AS WAS CONTAINED IN HOUSE BILL 191, AS ORIGINALLY INTRODUCED IN THE FIRST SESSION OF THE FIFTY-THIRD LEGISLATURE;
4. LEGISLATION AUTHORIZING THE ISSUANCE OF SUPPLEMENTAL SEVERANCE TAX BONDS TO RESTORE THE ALLOTMENTS FROM THE GENERAL FUND FOR CAPITAL PROJECT APPROPRIATIONS WHOSE EXPENDITURE PERIODS END ON OR BEFORE JUNE 30, 2016, FOR PLACEMENT INTO THE GENERAL FUND OPERATING RESERVE, FOR THE INSTRUCTIONAL MATERIAL FUND TO PURCHASE INSTRUCTIONAL MATERIAL IN ACCORDANCE WITH SECTIONS 22-15-1 THROUGH 22-15-31 NMSA 1978, AND FOR APPROPRIATION TO THE TRANSPORTATION DISTRIBUTION OF THE PUBLIC SCHOOL FUND;
5. LEGISLATION AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS APPROPRIATED TO THE PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL TO IMPLEMENT THE PUBLIC SCHOOL CAPITAL OUTLAY ACT;

6. HEARINGS FOR NOMINEES FOR APPOINTMENT TO THE BOARD OF REGENTS FOR STATE HIGHER EDUCATION INSTITUTIONS;
7. LEGISLATION TO APPROPRIATE MONEY FROM THE LEGISLATIVE RETIREMENT FUND FOR PLACEMENT INTO THE GENERAL FUND OPERATING RESERVE;
8. LEGISLATION TO APPROPRIATE MONEY TO THE ADMINISTRATIVE OFFICE OF THE COURTS FOR A SHORTFALL IN FUNDING OF MAGISTRATE COURT LEASES; AND
9. A BILL PROVIDING NECESSARY FUNDS FROM LEGISLATIVE CASH BALANCES FOR THE OPERATION OF THE LEGISLATURE DURING THIS SPECIAL SESSION.

SIGNED AT THE EXECUTIVE OFFICE
THIS 5TH DAY OF MAY 2017.

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



SUSANA MARTINEZ
GOVERNOR

ATTEST:



MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

