

April 5, 2001

SENATE EXECUTIVE MESSAGE NO. 48

The Honorable Richard Romero and
Members of the Senate
Executive-Legislative Building
Santa Fe, New Mexico 87503

Honorable President and Members of the Senate:

I have this day VETOED and am returning SENATE JUDICIARY COMMITTEE
SUBSTITUTE FOR SENATE BILL 490, as amended, enacted by the Forty-Fifth Legislature,
First Session, 2001.

This legislation amends the state Uniform Health Care Decisions Act to expand the duties of a surrogate health care decision maker to determine the best interest of the incapacitated patient before making critical health care decisions. Although I am inclined to look favorably upon the purpose of this bill, the legislation as passed fails to provide legal protection to physicians who rely in good faith on the decisions of a surrogate. If caregivers are not provided with such a shield, then passage of this bill could lead to increased litigation.

Sincerely,

Gary E. Johnson
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR:

Time: _____

By: _____
Secretary of State

Date _____

Time: _____

Date _____

By: _____
Chief Clerk of the Senate Sem48sb490v