

March 8, 2010

SENATE EXECUTIVE MESSAGE NO. 94

The Honorable Timothy Z. Jennings  
President Pro Tempore  
New Mexico Senate  
State Capitol Bldg.  
Santa Fe, NM 87501

Honorable President Pro Tempore:

I have this day SIGNED:

SENATE FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILL 186, as amended, which was enacted during the Forty-Ninth Legislature, Second Session, 2010, except the following item or items, part or parts, which I hereby veto pursuant to the authority granted me in Article IV, Section 22 of the Constitution of New Mexico:

On Page 6, I have vetoed all of lines 4 through 6.

The vetoed language was hastily added to the bill on the Senate floor and done without thorough consideration of the unintended consequences of inclusion. That amendment would have required Legislative approval of proposed conservation projects after a thorough vetting by the Natural Lands Protection Act Committee (“Committee”) and the New Mexico Energy, Minerals, and Natural Resources Department (“Department”). Because the Legislature only meets once a year, the proposed Legislative approval process could detrimentally limit the ability of the Committee and Department to timely and effectively manage the limited resources made available through enactment of SB 186. It is not clear from the amendment how the Legislature envisioned any final approvals would be achieved. Would the approval come in the form of a bill enacted annually and approved by both Houses? Would approval be done through a Committee created specifically to address the conservation projects? Would, in fact, the Legislature act only once a year while in Session? As contemplated in the bill, the Committee and Department might have to act quickly to complete sales of conservation or agricultural easements within a limited time frame. This is especially true when the State monies made available under SB 186 would be used to match or leverage Federal or other

sources of funding. As such, flexibility and a certain amount of discretion must be given in order for the true intent of the bill to be achieved.

Moreover, the inclusion of the proposed Legislative approval process would be an inappropriate intrusion into the Executive managerial function. If enacted as drafted, the Legislature would go beyond its appropriation oversight function and attempt to delve into those actions and authorities that are properly assigned to the Executive. Such overreach would be a clear violation of the separation of powers.

I am proud to sign into law the Natural Heritage Conservation Act, with the above mentioned veto. This bill will protect the natural heritage of this State by supporting the acquisition of land, conservation easements, and other property interests in order to protect natural areas, wildlife and wildlife habitat, working farms and ranches, and outdoor recreation and trails and land and habitat restoration and management.

The Natural Heritage Conservation Act will help protect and preserve the natural beauty of the State of New Mexico for generations.

Respectfully yours,

Bill Richardson  
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR:

Time: \_\_\_\_\_ a.m./p.m.                      by:  
Date: \_\_\_\_\_ 2010

\_\_\_\_\_  
Chief Clerk of the Senate

Time: \_\_\_\_\_ a.m./p.m.                      by:  
Date: \_\_\_\_\_ 2010

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Secretary of State