

SENATE EXECUTIVE MESSAGE NO. 48

The Honorable Mary K Papen
President Pro Tempore
New Mexico Senate
State Capitol Building
Santa Fe, NM 87501

Dear President Pro Tempore Papen and Members of the Senate:

I am pleased to sign SENATE FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILL 280 (“Senate Bill 280”) and enact into law funding for significant infrastructure investments throughout New Mexico. Sound investment of public funds is essential for the State’s economic growth, protection of New Mexico’s natural resources, and the quality of life of New Mexico communities. This bill funds more than \$850 million in general fund projects. A total of \$171 million in state agency capital projects are funded, including \$34 million for teacher housing and school facility construction, \$33 million for a crime lab for the Department of Public Safety, \$33 million for school bus replacement, approximately \$30 million for the children’s wellness center, and \$16 million for corrections facilities statewide. The bill also funds \$113 million for higher education institutions, over \$109 million for public schools, \$83 million for tribal projects and almost \$9 million for acequias and ditches. This is truly a huge and historic investment in our State.

This level of capital outlay marks a clear break with the recent past. For the past eight years, projects that are necessary for small, rural, and under-resourced communities in New Mexico have gone unfunded. The pressing need to fund capital projects throughout the State has led me to take a different approach than the prior administration when reviewing capital outlay legislation. I have done so in two principal ways.

First, in the past, capital outlay projects were eliminated because the intended local recipients were unable to demonstrate compliance with the audit requirements of Executive Order 2013-006. I have decided to stay my veto power with respect to such projects, to permit the appropriation of the capital outlay funds that localities throughout our State need, and, pursuant to the provisions of this legislation, to direct state agencies to work with capital outlay recipients to ensure those recipients demonstrate the fiscal accountability that New Mexicans demand and deserve.

Second, in the past, capital outlay appropriations of \$10,000 or less were eliminated as a matter of principal. I have decided to allow many of these appropriations, because I recognize that improvements costing only a few thousand dollars can make a meaningful difference to, for

example, New Mexicans living in a rural senior center that for many years has been overlooked. I stress, however, that the capital outlay process mainly exists to fund intelligent investments into critical infrastructure. Relatively small projects should not be addressed by capital outlay funds, but by other means well within the capacity of state and local governments. The presence of these small projects in the capital outlay bill signals the inability of state and local government to address resolvable, public needs. We must work together to identify and remedy those shortcomings, thereby ensuring that capital outlay appropriations are commensurate with our shared purpose to make public investments of widespread and significant impact.

While Senate Bill 280 does much to address our State's infrastructure needs, the bill includes several projects that lack proper planning or are not ready to proceed. It is necessary and fiscally prudent to veto some projects that might otherwise have merit. For these and other reasons, I have vetoed \$9.5 million in projects, approximately 1 percent of the total capital outlay provided for in Senate Bill 280.

Accordingly, I have exercised the power accorded to me by Article IV, Section 22 of the New Mexico Constitution to disapprove "any part or parts" of Senate Bill 280. N.M. Const. Art. IV, § 22. I have done so to remove unduly or unnecessarily restrictive language on decisions well within the agencies' executive discretion, to ensure funds are appropriated to the correct fiscal agent, and to make certain that capital outlay monies are sufficient to fund corresponding public projects. In some instances, other funding sources, such as the newly-enacted rural library fund, are available for vetoed projects. If those other-available funds are insufficient for the vetoed projects and the need is dire, I encourage the legislative sponsors to contact me.

New Mexico individuals and families deserve that we do our best to allocate capital resources to projects that meet the needs of local communities and prioritize our most significant needs and common goals. Viewed as a whole, this legislation furthers those ends.

I this day SIGN and RETURN:

SENATE FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILL 280, with emergency clause, which was enacted during the Fifty-Fourth Legislature, First Session, 2019, 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 New Mexico Constitution:

On page 4, I have vetoed lines 20 through 23.

On page 4, I have vetoed lines 24 and 25, and, on page 5, lines 1 and 2.

On page 5, I have vetoed lines 3 through 7.

On page 5, I have vetoed lines 21 through 25, and, on page 6, lines 1 through 5.

On page 9, line 23, beginning with the word "in" I have vetoed the remainder of the line, and, on line 24, beginning with the word "Animas" through the word "district".

On page 17, line 23, beginning with the word “valued” I have vetoed the remainder of the line, and, on line 24, beginning with the word “twenty” through “(\$20,000)”.

On page 24, I have vetoed lines 21 through 23.

On page 25, I have vetoed lines 10 through 17.

On page 31, I have vetoed lines 7 through 14.

On page 32, I have vetoed lines 9 through 17.

On page 33, I have vetoed the semicolon “;” on line 10.

On page 33, I have vetoed lines 11 through 17.

On page 33, I have vetoed lines 18 through 21, and, on line 22, the word “county”.

On page 98, I have vetoed lines 17 through 19.

On page 98, I have vetoed lines 20 through 22.

On page 101, I have vetoed lines 17 through 21.

On page 102, I have vetoed lines 10 through 12.

On page 106, I have vetoed lines 9 through 11.

On page 114, on line 21, I have vetoed from the word “for” through the word “governments”.

On page 118, I have vetoed lines 16 through 19.

On page 121, I have vetoed line 25, and on page 122, I have vetoed lines 1 through 4.

On page 122, on line 22, I have vetoed the words “local government”.

On page 131, I have vetoed lines 18 through 21.

On page 132, I have vetoed lines 5 through 7.

On page 134, I have vetoed lines 9 through 12.

On page 142, I have vetoed lines 21 through 24.

On page 143, on line 7, I have vetoed the words “for the economic development” and, on line 8, the word “cooperative”.

On page 160, I have vetoed lines 10 through 14.

On page 160, I have vetoed lines 18 through 22.

On page 162, I have vetoed lines 24 and 25, and, on page 163, I have vetoed lines 1 and 2.

On page 164, I have vetoed the comma “,” on line 7, line 8, and, on line 9, the word “lot” and the following comma, “lot,”.

On page 165, I have vetoed lines 12 through 18.

On page 168, I have vetoed lines 13 through 16.

On page 172, I have vetoed lines 8 through 11.

On page 177, I have vetoed lines 22 through 24.

On page 181, I have vetoed lines 5 through 7.

On page 189, I have vetoed lines 5 and 6.

On page 196, I have vetoed lines 14 through 16.

On page 199, I have vetoed lines 23 through 25 and, on page 200, lines 1 through 3.

On page 200, I have vetoed lines 4 through 6.

On page 200, I have vetoed lines 10 through 12.

On page 200, I have vetoed lines 16 through 18.

On page 200, I have vetoed lines 19 through 21.

On page 201, I have vetoed lines 1 through 4.

On page 202, I have vetoed lines 12 through 14.

On page 206, I have vetoed lines 14 through 18.

On page 218, I have vetoed lines 24 and 25, and, on page 219, lines 1 and 2.

On page 220, I have vetoed lines 15 through 17.

On page 222, I have vetoed lines 24 and 25 and, on page 223, lines 1 and 2.

On page 227, I have vetoed lines 1 through 3.

On page 227, I have vetoed lines 9 through 11.

On page 227, I have vetoed lines 19 through 21.

On page 231, I have vetoed the comma “,” on line 15, lines 16 through 19, and, on line 20, the word “section”.

On page 238, I have vetoed lines 3 through 5.

On page 253, on line 15, I have vetoed the word “for” through the remainder of the line, and on line 16, the word “governments”.

On page 253, I have also vetoed lines 17 through 20.

On page 267, I have vetoed lines 12 through 14, and, on line 15, the word “county;”.

On page 268, I have vetoed lines 13 through 16.

On page 274, I have vetoed lines 19 through 22.

On page 275, I have vetoed lines 19 through 22.

On page 276, I have vetoed lines 23 through 25 and, on page 277, line 1.

On page 277, I have vetoed lines 13 through 17.

On page 282, I have vetoed lines 13 through 18.

On page 287, on line 20, I have vetoed the comma “,” through the remainder of the line, lines 21 through 23, and on line 24, beginning with “1978” through the word “section”.

On page 288, I have vetoed lines 18 through 25, and, on page 289, lines 1 and 2.

Respectfully yours,

Michelle Lujan Grisham
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: _____ a.m. p.m.

Date: _____ 2019

By _____
Secretary of State

Time: _____ a.m. p.m.

Date: _____ 2019

By _____
Chief Clerk of the Senate