

February 6, 2009

SENATE EXECUTIVE MESSAGE NO. 2

The Honorable Timothy Z. Jennings, President Pro Tempore
and Members of the New Mexico State Senate
State Capitol Building
Santa Fe, NM 87501

Dear President Pro Tempore Jennings and Members of the Senate:

I have this day SIGNED:

SENATE FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILL 79, with
emergency clause

enacted by the Forty-Ninth Legislature, First Session, 2009 and vetoed the following item or
items, part or parts:

One Page 11, line 25, I have vetoed the word ~~“already”~~.

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On page 12, lines 13 and 14, I have vetoed the phrase ~~“transfer to the tax administration
suspense fund for”~~.

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The reasons for these vetoes follow.

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First, I have eliminated the unreasonable condition that the enhanced behavioral health
services to be funded by Section 1(A)(2) of Laws 2008 (2nd S.S.), Chapter 10, as
amended, be provided only to kids “who are ~~already~~ enrolled in the medicaid program or
the state children health insurance program.” (The vetoed word is highlighted.) Those
programs require that we treat all eligible enrollees the same. We simply cannot have
different benefits for different kids depending upon when they happened to enroll in the
programs.

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Second, I have eliminated the direction that money appropriated from federal temporary
assistance for needy families (TANF) contingency funds be transferred to the tax
administration suspense fund for payment of the working families tax credit pursuant to
Section 7-2-18.15 NMSA 1978. My veto does not change the purpose of the
appropriation, which remains the payment of the working families tax credit pursuant to

Section 7-2-18.15 NMSA 1978. Rather, I have only vetoed the requirement that this purpose be implemented in a specific way (i.e., by transfer to the tax administration suspense fund), since that requirement unreasonably intrudes into the Executive managerial function. In addition, if implemented, the Legislative mandate that TANF contingency funds be transferred to the tax administration suspense fund could jeopardize the State's eligibility for those funds.

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Section 11 of Senate Bill 79 contains a \$55,700,000 appropriation from the tax stabilization reserve to the appropriation account of the general fund that is contingent upon my sending a message to the First Session of the Forty-Ninth Legislature. So as to fulfill that contingency and pursuant to Section 6-4-2.2(D) NMSA 1978, I wish to inform you that I project general fund revenues, including all transfers to the general fund authorized by law, to be insufficient to meet the level of appropriations authorized by law from the general fund for the current fiscal year. The projected insufficiency exceeds \$55,700,000.

The Legislature has acted quickly to address the revenue shortfall facing the State in Fiscal Year 2009. I applaud the Legislature's quick action on Senate Bill 79 and House Bill 10. I look forward to receiving shortly the remaining so-called solvency bills.

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Respectfully yours,

Bill Richardson
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR:

Time: _____ a.m./p.m.

by:

Date: _____ 2009

Chief Clerk of the Senate

Time: _____ a.m./p.m.

by:

Date: _____ 2009

Secretary of State