

March 7, 2018

HOUSE EXECUTIVE MESSAGE NO. 145

The Honorable Brian Egolf, Jr., Speaker of the House and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501

Honorable Speaker Egolf and Members of the House:

I have this day SIGNED HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILLS 2 AND 3, as amended, enacted by the Fifty-Third Legislature, Second Session, 2018, except the following part or parts, item or items, which I have vetoed pursuant to Article IV, Section 22 of the Constitution of the State of New Mexico:

On page 3, I have vetoed all of line 25, and on page 4, I have vetoed all of lines 1 through 4. The Executive has always been transparent and accountable with regard to the reporting of revenue trends, making the mandate that the Department of Finance & Administration regularly consult with the Legislative Finance Committee staff concerning revenue collections unnecessary. Further, the Executive and the Legislative branches must work together to revise the budget, if needed, to address a major revenue shortfall; the vetoed language would have put the burden on the Executive to unilaterally develop a plan to discharge this joint responsibility.

On page 13, I have vetoed all of lines 19 through 21; this is not an approved Accountability in Government Act (hereinafter “AGA”) measure.

On page 14, I have vetoed all of lines 6 through 8; this removes earmarking language that impedes the Department of Transportation’s ability to leverage federal funding to pay for the initiative.

On page 14, I have vetoed all of lines 9 through 11; these are not approved AGA measures.

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On page 14, I have vetoed all of lines 21 through 23; these are not approved AGA measures.

On page 15, I have vetoed all of lines 9 through 11; these are not approved AGA measures.

On page 15, I have vetoed all of lines 21 through 23; these are not approved AGA measures.

On page 16, I have vetoed all of lines 9 through 11; these are not approved AGA measures.

On page 16, I have vetoed all of lines 22 through 24; these are not approved AGA measures.

On page 17, I have vetoed all of lines 9 through 11; these are not approved AGA measures.

On page 17, I have vetoed all of lines 21 through 23; these are not approved AGA measures.

On page 18, I have vetoed all of lines 9 through 11; these are not approved AGA measures.

On page 18, I have vetoed all of lines 21 through 23; these are not approved AGA measures.

On page 19, I have vetoed all of lines 8 through 10; these are not approved AGA measures.

On page 19, I have vetoed all of lines 20 through 22; these are not approved AGA measures.

On page 20, I have vetoed all of lines 8 through 10; these are not approved AGA measures.

On page 22, I have vetoed all of lines 17 and 18; this removes earmarking language for the Treaty of Guadalupe Hidalgo Land Grant Division.

On page 23, I have vetoed all of lines 20 and 21; there may not be sufficient resources to address the target.

On page 24, I have vetoed all of lines 14 through 21; these are not approved AGA measures.

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On page 25, I have vetoed all of lines 24 and 25; this is not an approved AGA measure.

On page 26, I have vetoed all of line 14; this is not an approved AGA measure.

On page 27, I have vetoed all of lines 9 through 11; this is not an approved AGA measure.

On page 29, I have vetoed all of lines 24 and 25, and on page 30, I have vetoed all of line 1; this removes restrictive earmarking language.

On page 46, I have vetoed all of lines 21 through 25; two of the measures are not approved AGA measure.

On page 51, I have vetoed on line 17 beginning with the first occurrence of the word “of” through the remainder of that line. This language is contained in the statute and is unnecessary.

On page 51, I have vetoed on line 20 the words “in frontier counties”.

On page 61, I have vetoed all of lines 9 through 14; this language is restrictive and unnecessary.

On page 78, I have vetoed on line 1 the word “The” and all of lines 2 and 3; this language is restrictive and unnecessary.

On page 89, I have vetoed on line 22 the word “pilot”; this is no longer a pilot project.

On page 90, I have vetoed all of lines 2 through 4, as the block grant is already over-appropriated.

On page 92, on line 12, starting with the word “contingent”, I have vetoed the remainder of that line, and on line 13 through the word “2019”; this removes the data reporting requirement as the program only manages the finances for the system.

On page 101, I have vetoed all of lines 22 and 23; these are not approved AGA measures.

On page 102, I have vetoed all of lines 10 through 13; agency operations cannot sustain this transfer.

On page 105, I have vetoed all of line 25; this is not an approved AGA measure.

On page 118, I have vetoed all of lines 18 and 19; the language overrides the authority of the secretary to manage the department.

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On page 128, I have vetoed on line 17 the words “in San Juan county”; this removes restrictive language.

On page 132, on line 9, starting with the word “In”, I have vetoed the remainder of that line, and all of lines 10 and 11; this removes an unnecessary reporting requirement.

On page 132, on line 19, starting with the third occurrence of the word “The” I have vetoed through the remainder of that line, and all of lines 20 and 21. This language is unnecessary.

On page 139, on line 5, I have vetoed the words and punctuation “Gallup branch –”, as this language is restrictive and unnecessary.

On page 139, I have vetoed all of lines 7 through 10; this removes inappropriate earmark language.

On page 139, I have vetoed all of lines 11 through 14; this removes inappropriate earmark language.

Beginning on page 140, I have vetoed all of line 9, and on page 141, I have vetoed all of lines 18 through 20; these are earmarking funds that did not go through the Research and Public Service Project process.

On page 148, I have vetoed all of lines 14 and 15 and all of lines 21 through 24; this language earmarks funding to small business development centers that did not go through the Research and Public Service Project process.

On page 164, I have vetoed all of lines 3 through 10; this language could negatively impact charter schools’ finances as well as the other schools listed and is administratively burdensome for the agency.

On page 164, on line 15, starting with the comma [,], I have vetoed the remainder of that line, all of lines 16 and 17, and through the word “1978” on line 18; this language changes the public school funding formula without providing funding for this change and without providing a one-year period for implementation. Without this delay, this change to the formula would be burdensome to implement.

On page 164, I have vetoed all of lines 19 and 20, and through the period on line 21; I have also vetoed, on line 24 starting with the word “and”, through the remainder of that line, and through the word “2019” on line 25; this language changes the public school funding formula without providing a one-year period for implementation of this change, which is burdensome to the agency.

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On page 165, I have vetoed all of lines 4 through 10; this language is administratively impossible to achieve and as such is burdensome to the agency.

Beginning on page 165, I have vetoed all of line 25, and on page 166, I have vetoed all of lines 1 and 2; this language fails to account for circumstances where a request is incomplete or missing information and as such sets a standard that is burdensome to the agency.

On page 166, I have vetoed all of lines 3 through 6; this language is not needed because such review already occurs.

On page 167, on line 6, I have vetoed the words “State-chartered charter school”, and I have vetoed all of lines 8 through 15; this is restrictive earmarking language and is unnecessary.

Beginning on page 167, on line 21, I have vetoed the words “School district”, and I have vetoed all of lines 23 through 25, and on page 168, I have vetoed all of lines 1 through 3; this is restrictive earmarking language and is unnecessary.

On page 170, I have vetoed all of lines 21 and 22; I have vetoed the special appropriation because the Legislature has available fund balances that can be used to fund this activity.

On page 171, I have vetoed all of lines 4 through 6; funding for security equipment is provided through the capital outlay process.

On page 171, I have vetoed all of lines 7 through 10 because HB 74 did not pass.

On page 171, I have vetoed all of lines 15 through 17 because the agency has sufficient funding from other sources to complete the study.

On page 171, I have vetoed all of lines 21 and 22 because this additional funding is not needed at this time.

On page 173, on line 18, I have vetoed the word “fraud”; the agency requested this word be removed to broaden the scope of action in the guardianship cases referred.

Beginning on page 173, I have vetoed all of lines 24 and 25, and on page 174 I have vetoed all of line 1; these activities fall within the purview of the Mortgage Finance Authority and the Board of Finance has approved millions of dollars this year in private activity bonds for affordable housing.

On page 174, I have vetoed all of lines 2 through 4; this appropriation is duplicative. Funding for civil legal services was provided for in the agency’s Section 4 operating budget.

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On page 174, I have vetoed all of lines 8 through 10; this falls within the purview of the Mortgage Finance Authority (MFA) and MFA has the staff and funding to provide the oversight.

On page 174, I have vetoed all of lines 11 through 16; the renewable energy transmission authority was supposed to be self-sufficient several years ago.

On page 174, I have vetoed all of lines 17 through 19; this appropriation is for a capital outlay project and should not be funded with general fund in the General Appropriation Act.

On page 175, I have vetoed all of lines 5 through 7; this appropriation is for a capital outlay project and should not be funded with general fund in the General Appropriation Act.

On page 175, I have vetoed all of lines 8 through 10; this appropriation is for a capital outlay project and should not be funded with general fund in the General Appropriation Act.

On page 175, I have vetoed all of lines 11 through 18; this special appropriation was not requested by the agency.

On page 175, I have vetoed all of lines 19 through 23; this special appropriation was not requested by the agency.

On page 176, on line 17, I have vetoed the words “to provide sports training”; this language is restrictive and would prohibit the agency from promoting the Special Olympics.

On page 177, I have vetoed all of lines 22 and 23; this is an inappropriate earmarking of funds.

On page 179, I have vetoed all of lines 21 and 22; this is an inappropriate earmarking of funds.

On page 180, I have vetoed all of lines 2 and 3; this appropriation is for a capital outlay project and should not be funded with general fund in the General Appropriation Act.

On page 180, I have vetoed all of lines 4 and 5; funding for this program has been paid out of the Indian Affairs Department’s base budget from fiscal year 2015 through fiscal year 2018.

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On page 180, I have vetoed all of lines 6 through 8; the Human Services Department would be better equipped to carry out this study.

On page 180, I have vetoed all of lines 9 and 10; this appropriation is for a capital outlay project and should not be funded with general fund in the General Appropriation Act.

On page 180, I have vetoed all of lines 11 through 13; this language is vague and the appropriation could place an inappropriate burden on the aging network program.

On page 180, on line 16, starting with the word “of”, I have vetoed the remainder of that line, and through the word “counties” on line 17; this language unnecessarily limits the scope of the appropriation.

On page 180, I have vetoed on line 22, the words “in Rio”, and through the word “counties” on line 23; this language unnecessarily limits the scope of the appropriation.

On page 182, I have vetoed all of lines 3 through 5; the Department of Health does not own this property and should not be tasked with surveying it.

On page 183, I have vetoed all of lines 11 and 12; local government has the authority to generate this funding without utilizing state revenue.

On page 184, I have vetoed the words “in districts one through six” on line 1; this language is restrictive.

On page 185, on line 10, starting with the word “The”, I have vetoed the remainder of that line, and I have vetoed all of lines 11 through 13; this language could allow unions to prevent exemplary teachers from receiving their awards.

On page 185, on line 18, I have vetoed the words “for expenditure in fiscal year 2019”; this will allow the Public Education Department to utilize this funding in fiscal year 2018 as well as fiscal year 2019.

On page 185, I have vetoed all of lines 21 and 22; this is an inappropriate earmark to a specific product with no defined purpose.

Beginning on page 185, I have vetoed all of lines 23 through 25, and on page 186 I have vetoed all of lines 1 through 4; this language is restrictive and unnecessary.

On page 186, I have vetoed all of lines 10 and 11; \$1.1 million in funding already exists for this purpose.

On page 186, I have vetoed all of lines 14 and 15; this is an inappropriate earmarking of funds.

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On page 186, I have vetoed all of lines 16 and 17; funding for this purpose is generally provided to the Attorney General.

On page 186, on line 19, I have vetoed the words “loan payments to purchase a magnetic resonance” to better reflect the needs of the agency.

On page 186, I have vetoed all of lines 21 through 23; this is an inappropriate earmarking of funds.

On page 186, I have vetoed all of lines 24 and 25; this request did not follow the Research and Public Service Project process.

On page 187, I have vetoed all of lines 6 and 7; this request did not follow the Research and Public Service Project process.

On page 187, I have vetoed all of lines 12 through 14; this request did not follow the Research and Public Service Project process.

On page 187, I have vetoed all of lines 15 through 17; this request did not follow the Research and Public Service Project process.

On page 187, I have vetoed all of lines 20 and 21; this is a capital expense that should be approved through the capital outlay process.

On page 189, on line 13, I have vetoed the word “fraud”; this veto necessarily broadens the scope of action for which these funds are to be used.

On page 190, on line 13, I have vetoed the number “1,713.3” in the internal service funds/interagency transfers column, and on line 14 I have vetoed the second occurrence of the word “The” through the remainder of that line, and all of line 15; this language appropriates Department of Information Technology (hereinafter “DoIT”) funds to the Department of Corrections (hereinafter “NMCD”) to repay DoIT.

On page 190, on line 16, I have vetoed the number “2,602.4” in the internal service funds/interagency transfers column, and on line 18 I have vetoed the first occurrence of the word “The” through the remainder of that line, and all of line 19; this language appropriates DoIT funds to NMCD to repay DoIT.

On page 198, I have vetoed on line 5 the words “school district”, on line 7 the words “of a school district”, on line 9 the words “state-chartered charter”, on line 10 the word “school”, on line 11 the words “of a”, and on line 12 the words “state-chartered charter school”; the separation of the appropriation to school district and state-chartered charter

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schools is not needed and will underfund the 2% increase of transportation employees at school districts.

On page 199, on line 1, I have vetoed the words “an average”; this clarifies the intent to provide all officers’ pay bands with the same percentage compensation increase.

On page 200, I have vetoed all of lines 7 through 12; it is inappropriate to provide statewide elected officials with a significant salary increase at this time.

Respectfully yours,

Susana Martinez
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: _____ a.m. p.m.

Date: _____, 2018

By _____
Secretary of State

Time: _____ a.m. p.m.

Date: _____, 2018

By _____
Chief Clerk of the House