

April 11, 2025

SENATE EXECUTIVE MESSAGE NO. 27

The Honorable Mimi Stewart, President Pro Tempore  
and Members of the New Mexico State Senate  
State Capitol Building  
Santa Fe, New Mexico 87501

President Pro Tempore Stewart and Members of the Senate:

I have decided to veto SENATE BILL 220, as amended (“SB 220”), which would have required, among other things, the director of the Risk Management Division of the General Services Department to appoint “loss prevention review teams”—led by an attorney and composed of consultants, contractors, experts, and state employees—to investigate and report on each “occurrence of an individual’s death or serious injury or other substantial loss [that] is alleged or suspected to be caused at least in part by the actions of a state agency.”

While I fully support transparency and efforts to prevent future harm, this legislation presents several significant problems that prevent me from signing it into law. First, SB 220’s language is overly vague and susceptible to inconsistent or arbitrary application. It provides no clear standard for determining when a “substantial loss” has occurred or who makes that determination. As written, the legislation appears to require the review team to convene for every claim or suspicion, regardless of how tenuous or speculative. This will unquestionably divert state resources away from legitimate and serious incidents and delay meaningful reviews.

Second, it is unclear whether the loss prevention review teams’ investigative materials and work product will be protected from subpoenas or Inspection of Public Records Act requests—which litigants will surely use to gain access to this highly sensitive information before the underlying loss is resolved. If litigants can obtain this information and use it in aid of their claim against the State, it will be more costly to litigate or settle these matters.

Third, SB 220’s requirement that reports be made public “after the final judgment resolving any claims related to the loss and rights to appeal have been exhausted” creates serious legal ambiguity. In many cases, there are multiple claimants, and legal proceedings may span years or be initiated in staggered fashion. It is unclear how this requirement applies in such cases, and it risks premature

release of sensitive findings. Moreover, the public release of these reports—even after some litigation concludes—poses a significant risk of prejudicing ongoing or future legal proceedings. The reports, rather than operating as internal tools for loss prevention, would be little more than an additional gift to the trial attorneys, undermining the very risk management function the bill seeks to support.

Finally, SB 220 imposes a substantial and unfunded mandate on the Risk Management Division. The bill requires the convening of a review team, comprehensive investigation, interviews, and a public report in every instance where an allegation—no matter how unsubstantiated—is made. But the Legislature failed to appropriate any funds support this significant workload increase, nor did the Legislature account for the resources needed to ensure a fair, thorough, and timely process.

Because of these issues, and pursuant to my authority under Article IV, Section 22 of the New Mexico Constitution, I have vetoed SENATE BILL 220, as amended, enacted by the Fifty-Seventh Legislature, First Session, 2025.

Respectfully yours,

Michelle Lujan Grisham  
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: \_\_\_\_\_ a.m. p.m.  
Date: \_\_\_\_\_ 2025

By \_\_\_\_\_  
Secretary of State

Time: \_\_\_\_\_ a.m. p.m.  
Date: \_\_\_\_\_ 2025

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