



State of New Mexico

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Michelle Lujan Grisham
Governor

July 30, 2024

HOUSE EXECUTIVE MESSAGE NO. 2

The Honorable Javier Martinez, Speaker of the House, and
Members of the New Mexico State House of Representatives
State Capitol Building
Santa Fe, NM 87501

Speaker Martinez and Members of the House:

I write with profound disappointment with the recent actions of the Legislature during the special session I convened to address the urgent issues of crime, drug addiction, and untreated mental illness. As the head of the Executive Branch, I can only do so much to address these pernicious issues absent legislation. Accordingly, I called this special session with the sincere hope that we could come together to find solutions and provide the necessary resources to tackle these pressing problems. Instead of addressing the bills I presented, the Legislature chose to ignore the public's pleas for help and "kick the can down the road" once again. The decision to disregard the proposed legislation aimed at enhancing public safety, combating drug abuse, and providing mental health services to those suffering from mental illness is not only disheartening but also a disservice to the citizens we are elected to serve. Nonetheless, I remain steadfast in confronting these issues.

I recognize that the Legislature appropriated \$3 million to the Administrative Office of the Courts to fund assisted outpatient treatment programs and competency diversion pilot programs. While this is literally "better than nothing," it isn't much better. The reality is that funding these programs is largely meaningless if courts do not have the authority or obligation to mandate treatment for those who desperately need it yet refuse to receive it—something which my proposed legislation would have remedied.

Putting aside my disappointment with the Legislature's refusal to even consider my proposed legislation, I am deeply concerned with the way the Legislature appropriated funds during the special session. Instead of introducing and debating a general appropriations bill, the Legislature chose to cram all the appropriations measures within HOUSE BILL 1, colloquially known as the "Feed Bill," which is simply meant to quickly appropriate funds for the expenses of the legislative

session. This was short-sighted, as the Feed Bill does not go through the normal committee process and is usually the subject of less debate than other measures.

The rushed process of this bill has resulted in significant errors that could have easily been avoided. For example, HOUSE BILL 1 includes non-germane appropriations for court-ordered assisted outpatient programs and a competency diversion pilot program, in violation of Article IV, Section 6 of the New Mexico Constitution. I also note that the Legislature appropriated \$10 million to the Energy, Minerals and Natural Resources Department for wildfire mitigation, watershed restoration, slope stabilization, erosion control, post-fire management, and regional master planning of public infrastructure reconstruction due to damages caused by flooding or a wildfire. However, the Department of Homeland Security and Emergency Management is the proper agency to receive these funds, as it is authorized under the All-Hazards Emergency Management Act as the lead state entity to coordinate funding and efforts across all state and federal agencies for disaster response and recovery.

Additionally, it bears emphasizing that the Legislature failed to appropriate sufficient funds to assist those communities impacted by recent natural disasters. For instance, the Legislature appropriated \$70 million to provide loans to political subdivisions that have been approved for federal public assistance funding for projects to replace or repair public infrastructure damaged by the Salt and South Fork fires, including damages from flooding or debris flows attributable to those fires. But Lincoln County alone is projected to require \$300 to \$500 million in disaster related funding. Furthermore, this funding is limited to communities impacted by the South Fork and Salt Fires, which prevents the State from using these funds to assist political subdivisions affected by other natural disasters included in Major Disaster Declaration DR-4795-NM, such as Rio Arriba County and San Juan County.

The foregoing errors demonstrate why is imperative that we hold ourselves to the highest standards of legislative process and integrity. Rushing through crucial funding measures without thorough consideration and proper drafting undermines the effectiveness of our government and erodes public trust. Our constituents deserve better.

I urge the Legislature to promptly return to the issues at hand with the seriousness and dedication they warrant. We must prioritize the well-being and safety of our citizens. New Mexicans cannot afford to wait any longer for us to act. It is past time we step up meaningfully tackle the issues plaguing our citizenry every day.

With the foregoing remarks in mind, I this day SIGN and RETURN:

HOUSE BILL 1, enacted by the Fifty-Sixth Legislature, First Special Session, 2024, 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, line 1, I have vetoed from the second instance of the word “the” through the end of the line, and on line 2, I have vetoed the words “division of”. I have also vetoed the words “division shall require a” on page 4, line 9, and the first instance of the word “that” on page 4, line 11. This will eliminate the role the Board of Finance Division places in administering these funds. While

the Board of Finance Division administers a small emergency loan program, it is not the appropriate division within the Department of Finance and Administration to administer a \$70 million loan program intended to assist with massive fire and flood related losses. The Board of Finance Division does not have sufficient staff capacity nor the experience with disaster related incidents that other divisions within the Department of Finance and Administration do. Additionally, if the \$70 million remains at the Board of Finance Division, it is likely that all loans made, as well as other decisions related to expending the appropriation, would need to be approved by the Board of Finance itself—significantly delaying the deployment of the funds. The appropriate division is the Local Government Division, which successfully administered \$100 million in identical loans related to the Hermits Peak and Calf Canyon Fires authorized in S.B. 6, 56th Leg., 1st Sess. (N.M. 2023). Had the Legislature not hastily inserted this language into HOUSE BILL 1 and rushed it through the legislative process in a matter of hours without consulting my Administration, this error could have been avoided.

Respectfully yours,

Michelle Lujan Grisham
Michelle Lujan Grisham
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 3:45 a.m. (p.m.)
Date: 07/30 2024

By *Mandy...*
for Secretary of State

Time: 4:00 a.m. (p.m.)
Date: July 30 2024

By *Gus M. Deitz*
Chief Clerk of the House