

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO ex. rel.  
THE NEW MEXICO LEGISLATIVE COUNCIL,

**Petitioner,**

vs.

No. \_\_\_\_\_

HONORABLE SUSANA MARTINEZ,  
Governor of the State of New Mexico, and  
HONORABLE MAGGIE TOULOUSE OLIVER,  
Secretary of State,

**Respondents.**

**VERIFIED PETITION FOR AN ALTERNATIVE WRIT OF MANDAMUS**

**I. Introduction.**

Petitioner seeks an Alternative Writ of Mandamus pursuant to NMSA 1978, Sections 44-2-4 through 44-2-6 (1884), and Rule 1-065 NMRA. This petition involves ten bills enacted by the Legislature during the recent regular legislative session. This is an action to declare unconstitutional and therefore void the Governor's attempted vetoes of these ten bills, and to compel the Respondent Secretary of State to perform her clear, ministerial duty to publish the duly enacted laws. The Governor's failure to return these ten bills to their houses of origin with her objections resulted in those bills becoming law. The issues set out in this petition are of significant public importance and require expeditious resolution to ensure that all of the duly enacted laws from the last regular legislative session are properly designated and published among the session laws of the state.

Petitioner contends that the Governor's purported vetoes of these bills are void because the Governor failed to comply with Article IV, Section 22 of the New Mexico Constitution's requirement that any veto include the Governor's objections. It is settled law that a veto which fails to comply with the explicit terms of Article IV, Section 22 of the New Mexico Constitution is void. As a result, these ten bills became law.

This petition is also directed to the Secretary of State and asks this Court to require the Secretary to exercise her mandatory, non-discretionary duty to accept each of those bills as "deposited ... with the secretary of state," and as having "become a law," as required by the explicit terms of the same constitutional provision.

## **II. Summary of the Bases for the Writ.**

The ten bills at issue here fall into two categories. The first category involves five bills that were "returned [to the relevant house] by the governor within three days, Sundays excepted, after being presented to [the governor]" without any of the Governor's "objections". As a result, each of those bills "shall [have] become law" under the command of Article IV, Section 22.

The second category involves five other bills that were returned to the house of origin on the same day as they were received by the Governor, March 15, 2017, also without any objections. The Governor on March 16<sup>th</sup>, issued to each house a blanket statement concerning all ten bills without a specific objection on any of those bills. *See* Exhibits B & C. While those supplemental Executive Messages may have been received by the relevant houses of origin within the three-day period relevant to the second group of bills, they came separate from and after each of the bills had already been

returned to the house of origin, out of compliance with the strict requirements of the constitution. Therefore, each of those five bills also “shall [have] become law” under the command of Article IV, Section 22.

This petition involves critical questions concerning the express, mandatory, constitutional procedures that bind both the Legislature and the Governor in establishing the duly enacted laws of the state. The procedures that bind the current members of the political branches of state government are important, and must also bind future governors and legislators as well.

### **III. Jurisdiction and Venue of this Court.**

Petitioner invokes the exclusive original jurisdiction of this Court pursuant to NMSA 1978, Section 44-2-3 (1884). The petition challenges the constitutionality of Governor Martinez’s attempted vetoes, purportedly exercised pursuant to New Mexico Constitution, Article IV, Section 22, and seeks to compel the Secretary of State to exercise her mandatory, non-discretionary constitutional responsibilities to accept those bills as law and to publish them. *See* N.M. Const. art. IV, § 22 and NMSA 1978, § 8-4-6 (2003). The issues set out in this petition are of significant public importance and require expeditious resolution to ensure that all of the duly enacted laws from the last regular legislative session are properly designated and published among the session laws of the state.

Mandamus is the proper procedure “to test the constitutionality of vetoes or attempted vetoes by the Governor.” *State ex rel. Segó v. Kirkpatrick*, 1974-NMSC-059, ¶ 6, 86 N.M. 359, 524 P.2d 975. Reasonable expedition is required to allow the processing of

the session laws through to publication, and the possibility of declaratory relief does not preclude a proper “independent petition for a writ of mandamus.” *City of Albuquerque v. Ryon*, 1987-NMSC-121, 106 N.M. 600, 747 P.2d 246 (Mandamus will not be denied on the ground that plaintiff did not bring a declaratory judgment action.) Moreover, a Writ of Mandamus will not be deferred until such time as the Legislature attempts to override unsound vetoes, *State ex rel. Coll v. Carruthers*, 1988-NMSC-057, ¶ 9, 107 N.M. 439, 759 P.2d 1380, and, in any event, there was nothing to override given that each of the foregoing bills had become law.

Venue is proper in this Court by virtue of NMSA 1978, Section 38-3-1(G) (1988) (“[s]uits against any state officers as such shall be brought in the court of the county in which their offices are located”).

#### **IV. Parties.**

Petitioner Legislative Council, pursuant to NMSA 1978, Section 2-3-1 (1978), is comprised of sixteen members—eight from each house—and includes the bi-partisan leadership and a proportionate number of members from the majority and minority parties. In an interim period when the Legislature is not in session, the Council acts on behalf of the Legislature. At its meeting on April 13, 2017, the Council authorized the filing of this petition on behalf of the Legislature. The Council is a real party in interest, acting on behalf of the legislative branch, whose members represent the people of the State of New Mexico.

Respondents, the Honorable Susana Martinez, Governor of the State of New Mexico, and the Honorable Maggie Toulouse Oliver, Secretary of State of New Mexico, are named in their official capacities.

**V. Grounds for the Petition.**

**A. Facts**

1. During the immediate past regular session of the Fifty-Third Legislature of the State of New Mexico, the Legislature duly passed with bi-partisan support, the following ten bills:

- a. House Labor and Economic Development Committee Substitute for House Bills 144, 154 & 280, as amended;
- b. Senate Bill 6;
- c. Senate Bill 67;
- d. Senate Education Committee Substitute for Senate Bill 134;
- e. House Bill 126;
- f. Senate Bill 24;
- g. Senate Bill 64;
- h. Senate Corporations and Committee Substituted for Senate Bill 184, as amended;
- i. Senate Bill 222; and
- j. Senate Bill 356.

2. All ten bills were returned to the Legislature while in regular session, with Executive Messages that noted the Governor's disapproval but without the "objections" required by Article IV, Section 22. The official records of each of those bills show the

dates and times of receipt by the Governor, the return dates and times when received by the House or Senate, and the accompanying Executive Message showing the absence of “objections.” See Exhibit A attached hereto.

3. On March 16, 2017, the Governor delivered to the House and Senate supplemental Executive Messages that sought to cure the lack of objections in the messages that accompanied each of the ten bills.

a. House Executive Message No. 13 stated, in pertinent part, as follows:

*Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I have vetoed and returned House Bills 144 and 126 via House Executive Messages 4 and 11, respectively. As you know, I have vetoed each of these afore enumerated bills on the grounds that they are not necessary for the health, safety, and welfare of the citizens of this great state.*

House Executive Message No. 13, March 16, 2017 (Emphasis added, attached as Exhibit B).

b. Senate Executive Message No. 19 stated, in pertinent part, as follows:

*Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I have vetoed and returned Senate Bills 6, 67, 134, 24, 184, 356, 222 and 64 via Senate Executive Messages 11, 12, 13, 14, 15, 16, 17 and 18, respectively. As you know, I have vetoed each of these afore enumerated bills on the grounds that they are not necessary for the health, safety, and welfare of the citizens of this great state.*

Senate Executive Message No. 19, March 16, 2017 (Emphasis added, attached as Exhibit C).

4. The supplemental Executive Messages issued on March 16 were received in the respective legislative chambers after the three-day period for return required by Article IV, Section 22, had expired for the first five bills listed in Paragraph 1, *supra*. The supplemental messages were received within the three-day period for bills (f) through (j) listed in Paragraph 1, *supra*, but not in conjunction with the earlier returns of those bills.

**B. Relevant Law**

1. Article IV, Section 22 of the New Mexico Constitution states in relevant parts:

Every bill passed by the legislature shall, before it becomes a law, be presented to the governor for approval. If he approves, he shall sign it, and deposit it with the secretary of state; *otherwise, he shall return it to the house in which it originated, with his objections, which shall be entered at large upon the journal . . . ;*

*Any bill not returned by the governor within three days, Sundays excepted, after being presented to him, shall become a law, whether signed by him or not, unless the legislature by adjournment prevent such return. (Emphasis added.)*

2. It is well settled that because “constitutional provisions relating to the veto of bills by the governor stand on a much higher plane than mere statutes . . . deviations from such constitutional provisions by the governor, in respect to *manner and time of the acts prescribed*, are not to be permitted.” N.M. Att’y Gen. Op. 69-20 (1969) (emphasis added), *citing Cleveland v. Martin*, 29 So. 2d 516 (La. Ct. App. 1947) and *Arnett v. Meredith*, 121 S.W. 2d 36 (Ky. Ct. App. 1938). Therefore:

the provisions of Article IV, Section 22 of the New Mexico Constitution prescribing the *manner and time* of the performance of the acts prescribed are

mandatory. Failure to follow the prescribed procedure results in the veto becoming a nullity and the vetoed bills become law.

*Id.* (Emphasis added)

3. To validly veto a bill in accordance with Article IV, Section 22, the Governor was required to return each of the bills involved here to its house of origin *with her objections* in three days. See *State ex rel. Wood v. King*, 1979-NMSC-106, ¶ 15, 93 N.M. 715, 605 P.2d 223 (“The clear purpose of the veto provisions of Art. IV, § 22, is to give the house in which a bill originated, an opportunity to consider the Governor’s veto of the bill *and his objections thereto.*”). (Emphasis added.) Furthermore, each element of the procedure is mandatory. N.M. Att’y Gen Op. 79-13 (1979), *citing Cleveland v. Martin*, 29 So. 2d 516 (La. Ct. App. 1947) and *Arnett v. Meredith*, 121 S.W. 2d 36 (Ky. Ct. App. (1938)). Most relevant here, is the specific requirement that “[t]he Governor must file his objections *with the returned bill,*” N.M. Att’y Gen. Op. 79-13, (emphasis added) *citing State ex rel. Browning v. Blankenship*, 154 W. Va. 253, 175 S.E. 2d 172 (1970) and *Arnett v. Meredith, supra*, and “within the time specified,” *citing Redmond v. Ray*, 268 N.W. 2d 849 (Iowa 1978).

4. Thus, with respect to the first group of five bills, the purported veto failed on two grounds: first, there were no objections noted “with the returned bill;” and second, the subsequent messages of March 16, 2017, have no effect because they were not issued “within the [three-day] time specified” with respect to those bills.

5. With respect to the second group of bills—(f) through (j) in Section V(A)(1)—those purported vetoes also fail for two reasons:



a. First, returning the bill with the “objections” is of critical importance because “a veto message is not complete unless it contains either the *reasons* for vetoing the particular act, or (what is the same thing) the *objections* of the Governor to the act.” *Romer v. Colorado General Assembly*, 840 P.2d 1081, 1084 (Colo. 1992), quoting *Arnett v. Meredith*, 121 S.W. 2d 36, 40 (Ky. Ct. App. 1938). A later, separate letter or other expression of reasons cannot cure the fundamental invalidity of the failed attempted veto. Indeed, the *Romer* Court gave no effect to “separate letters amplifying the Governor’s vetoes,” even though one of them was received within the time allowed for the Governor to file the bills. *Romer*, 840 P.2d at 1082.

b. Second, the subsequent messages of March 16<sup>th</sup> make clear that the Governor was using this new statement with respect to all ten of the bills to vent her displeasure for the negotiating posture of members of the majority in both houses, *see* Exhibits B & C, which had nothing to do with the substance of those bills. The after-the-fact statement contained in those messages that the bills were not “necessary for the health, safety, and welfare of the citizens” of the State is nothing more than a regurgitation of the plenary authority of the Legislature. For, unlike the national regime, in which the legislative authority of Congress is limited to the enumerated powers listed in Article I, Section 8 of the United States Constitution, state legislative bodies inherited the historic authority of general government. Thus, our courts recognize that the Legislature’s plenary authority extends to all matters dealing with the health, safety and welfare of its

citizens. See, e.g., *State v. Valdez*, 2013-NMCA-016, ¶ 10, 293 P.3d 909 (“what is reasonably necessary for the preservation of the public health, safety and welfare of the general public is a legislative function and should not be interfered with”). That plenary legislative authority “is limited only by the state and federal constitutions.” *Ferguson v. New Mexico State Hwy. Comm'n*, 1982-NMCA-180, ¶ 6, 99 N.M. 194, 656 P.2d 244, citing *Daniels v. Watson*, 75 N.M. 661, 410 P.2d 193 (1966).

c. Since there is no claim that the ten bills were outside the authority of the Legislature’s constitutional purview, the statement in the supplemental Executive Messages of March 16<sup>th</sup>, has no substantive meaning in the current context and does not qualify as an “objection.” If such a general statement qualified as the required “objection” within the meaning of Article IV, Section 22, any governor could veto bills and undermine the purpose of that provision by failing to provide the constitutionally required notice “so that the legislative branch and the general public can assess the merits of the veto.” *Romer*, 840 P.2d at 1082.

**VI. The Relief Sought.**

For the foregoing reasons, Petitioner respectfully requests the Court to issue an Alternative Writ of Mandamus, advance this matter on its calendar and, after a hearing on the merits, invalidate each of the purported vetoes challenged herein and issue a Writ of Mandamus directing the Secretary of State to accept those bills as adopted laws for inclusion in the Session Laws of the First Regular Session of the Fifty-Third Legislature of the State of New Mexico.

Respectfully submitted,

s/Michael B. Browde\_\_\_\_\_

Michael B. Browde  
1117 Stanford, NE  
MSC 11 6070  
Albuquerque, NM 87131-0001  
(505) 277-5326  
browde@law.unm.edu


Jane B. Yohalem  
P.O. Box 2827  
Santa Fe, NM 87504  
(505) 988-2826  
jbyohalem@gmail.com

*Counsel for Petitioner*

VERIFICATION

In accordance with Rule 1-011(B) NMRA, I, Senator Mary Kay Papen, President Pro Tempore of the New Mexico Senate, and Co-Chair of the Legislative Council, Relator in the foregoing Verified Petition for an Original Writ of Mandamus, hereby affirm and swear under penalty of perjury under the laws of the State of New Mexico that I have reviewed the Verified Petition and that the representations in the Verified Petition are true and correct to the best of my knowledge, information and belief.


DATE 6/2/17

  
Sen. Mary Kay Papen, President Pro  
Tempore of the New Mexico Senate

VERIFICATION

In accordance with Rule 1-011(B) NMRA, I, Representative Brian Egolf, Speaker of the New Mexico House of Representatives, and Co-Chair of the Legislative Council, Relator in the foregoing Verified Petition for an Original Writ of Mandamus, hereby affirm and swear under penalty of perjury under the laws of the State of New Mexico that I have reviewed the Verified Petition and that the representations in the Verified Petition are true and correct to the best of my knowledge, information and belief.

DATE: June 5, 2017

  
Rep. Brian Egolf, Speaker of the New  
Mexico House of Representatives

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June , 2017, a copy of the foregoing Verified Petition for an Original Writ of Mandamus has been served by hand delivery to the offices of the Respondents, and the Attorney General as follows:

Office of the Governor  
4<sup>th</sup> Floor, State Capitol Bld.  
Santa Fe, NM

Office of the Attorney General  
408 Galisteo St.  
Santa Fe, NM 87501

Secretary of State  
Office of the Secretary of State  
325 Don Gaspar, # 300  
Santa Fe, NM 87501

s/Jane B. Yohalem  
\_\_\_\_\_

**Exhibit A: Data Derived from Official Records**

<b>Bill Number and Title</b>	<b>Presented to Governor</b>	<b>Returned to House of Origin without statement of Objections</b>
<p>House Labor and Economic Development Committee Substitute for House Bills 144, 154 &amp; 280, as amended</p> <p>AN ACT RELATING TO AGRICULTURE; PROVIDING FOR THE ESTABLISHMENT OF AN INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT PROGRAM AND THE NEW MEXICO INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT FUND; EXEMPTING THE CULTIVATION OF INDUSTRIAL HEMP FROM THE CONTROLLED SUBSTANCES ACT.</p>	<p>March 6, 2017 8:12 a.m.</p>	<p>March 8, 2017 2:35 p.m.</p>
<p>Senate Bill 6, as amended</p> <p>AN ACT RELATING TO AGRICULTURE; ENACTING A NEW SECTION OF CHAPTER 76 NMSA 1978 TO PROVIDE AUTHORIZATION FOR THE NEW MEXICO DEPARTMENT OF AGRICULTURE TO ADOPT RULES FOR RESEARCH ON INDUSTRIAL HEMP; PROVIDING FOR THE ESTABLISHMENT OF THE NEW MEXICO INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT FUND.</p>	<p>March 9, 2017 11:31 a.m.</p>	<p>March 11, 2017 3:35 p.m.</p>
<p>Senate Bill 67</p> <p>AN ACT RELATING TO TAXATION; REQUIRING THAT THE TREASURER OF THE COUNTY IN WHICH A TAX INCREMENT DEVELOPMENT DISTRICT IS FORMED BE NOTIFIED OF THAT FORMATION.</p>	<p>March 10, 2017 3:13 p.m.</p>	<p>March 14, 2017 12:35 p.m.</p>

<b>Bill Number and Title</b>	<b>Presented to Governor</b>	<b>Returned to House of Origin without statement of Objections</b>
<p>Senate Education Committee Substitute for Senate Bill 134</p> <p>AN ACT RELATING TO PUBLIC SCHOOLS; PROVIDING THAT MATHEMATICS OR SCIENCE UNITS REQUIRED FOR HIGH SCHOOL GRADUATION MAY INCLUDE A COMPUTER SCIENCE UNIT.</p>	<p>March 10, 2017 3:13 p.m.</p>	<p>March 14, 2017 1:04 p.m.</p>
<p>House Bill 126, as amended</p> <p>AN ACT RELATING TO INCREASING THE HEALTH CARE WORKFORCE; ESTABLISHING PREFERENCES FOR FINANCIAL ASSISTANCE TO MEDICAL STUDENTS ATTENDING AN ACCREDITED NEW MEXICO MEDICAL SCHOOL; ESTABLISHING PREFERENCES FOR FINANCIAL ASSISTANCE TO CERTAIN HEALTH CARE PROFESSIONALS WHO HAVE ATTENDED A NEW MEXICO POST-SECONDARY EDUCATIONAL INSTITUTION; DECLARING AN EMERGENCY.</p>	<p>March 13, 2017 2:06 p.m.</p>	<p>March 15, 2017 4:00 p.m.</p>
<p>Senate Bill 24</p> <p>AN ACT RELATING TO LOCAL GOVERNMENT; AMENDING THE INFRASTRUCTURE DEVELOPMENT ZONE ACT TO PROVIDE FOR BROADBAND INFRASTRUCTURE DEVELOPMENT BY A LOCAL GOVERNMENT.</p>	<p>March 15, 2017 8:09 a.m.</p>	<p>March 15, 2017 10:27 a.m.</p>



<b>Bill Number and Title</b>	<b>Presented to Governor</b>	<b>Returned to House of Origin without statement of Objections</b>
<p>Senate Bill 64</p> <p>AN ACT RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; ELIMINATING THE TIME PERIOD WHEN THE PUBLIC SCHOOL CAPITAL OUTLAY FUND CAN BE USED FOR EDUCATION TECHNOLOGY INFRASTRUCTURE DEFICIENCY CORRECTIONS INITIATIVES.</p>	<p>March 15, 2017 8:23 a.m.</p>	<p>March 15, 2017 6:36 p.m.</p>
<p>Senate Corporations and Transportation Committee Substitute for Senate Bill 184, as amended</p> <p>AN ACT RELATING TO HORSE RACING; REMOVING CERTAIN EXCEPTIONS TO CONDUCT THAT REQUIRES DENIAL OR REVOCATION OF AN OCCUPATIONAL LICENSE; PROVIDING FOR AN EQUINE HEALTH AND TESTING ADVISOR TO REPLACE THE OFFICIAL CHEMIST; CLARIFYING THE DESIGNATION AND HANDLING OF TESTING SAMPLES; PROVIDING FOR COMPENSATION OF THE EQUINE HEALTH AND TESTING ADVISOR FROM THE RACEHORSE TESTING FUND.</p>	<p>March 15, 2017 8:38 a.m.</p>	<p>March 15, 2017 12:47 p.m.</p>
<p>Senate Bill 222</p> <p>AN ACT RELATING TO LOCAL GOVERNMENT FINANCE; RAISING THE THRESHOLD FOR BEING EXEMPT FROM THE DEFINITION OF "LOCAL PUBLIC BODY".</p>	<p>March 15, 2017 8:22 a.m.</p>	<p>March 15, 2017 6:36 p.m.</p>

<b>Bill Number and Title</b>	<b>Presented to Governor</b>	<b>Returned to House of Origin without statement of Objections</b>
Senate Bill 356  AN ACT RELATING TO TAXATION; REQUIRING THAT THE TREASURER OF THE COUNTY IN WHICH A PUBLIC IMPROVEMENT DISTRICT IS FORMED BE NOTIFIED OF THAT FORMATION.	March 15, 2017 8:09 a.m.	March 15, 2017 1:43 p.m.



Exhibit B

RECEIVED

2017 MAR 16 PM 5:34

SECRETARY OF STATE

# State of New Mexico

Susana Martinez  
*Governor*

March 16, 2017

## HOUSE EXECUTIVE MESSAGE NO. 13

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:

The Constitution of the State of New Mexico, Article IX, Section 8, requires the Legislature of the State of New Mexico to pass a balanced budget. Despite repeatedly declaring that we are in a "constitutional budget crisis," the Senate and House Democrats continue to fail to negotiate a balanced budget that adequately funds the essential services provided by the State of New Mexico. Furthermore, they continue to insist on balancing the budget by placing an undue burden on the backs of hard-working New Mexican families by increasing taxes.

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I have vetoed and returned House Bills 144 and 126 via House Executive Messages 4 and 11, respectively. As you know, I have vetoed each of these afore enumerated bills on the grounds that they are not necessary for the health, safety, and welfare of the citizens of this great state. I agree with the Legislature; the depression of the oil and gas industry has resulted in a dire economic situation. Until the Legislature sees fit to fulfill its constitutional obligations, I will continue to veto legislation that is not necessary for the wellbeing of this state and its citizens.

Respectfully yours,

A handwritten signature in cursive script that reads "Susana Martinez".

Susana Martinez  
Governor

HOUSE EXECUTIVE MESSAGE NO. 13  
The Honorable Brian Egolf, Jr.  
March 16, 2017  
Page 2

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 5:34 a.m. (p.m.)  
Date: March 16<sup>th</sup>, 2017  
By: [Signature]  
Secretary of State

Time: 5:44 a.m. (p.m.)  
Date: March 16, 2017  
By: [Signature]  
Chief Clerk of the House



Exhibit C

RECEIVED

*Rosal*  
*3-16-17*

2017 MAR 16 PM 5:36

SECRETARY OF STATE

# State of New Mexico

Susana Martinez  
Governor

March 16, 2017

## SENATE EXECUTIVE MESSAGE NO. 19

The Honorable Mary Kay Papen, President Pro Tempore and  
Members of the New Mexico State Senate  
State Capitol Building  
Santa Fe, New Mexico 87501

Honorable President Pro Tempore Papen and Members of the Senate:

The Constitution of the State of New Mexico, Article IX, Section 8, requires the Legislature of the State of New Mexico to pass a balanced budget. Despite repeatedly declaring that we are in a "constitutional budget crisis," the Senate and House Democrats continue to fail to negotiate a balanced budget that adequately funds the essential services provided by the State of New Mexico. Furthermore, they continue to insist on balancing the budget by placing an undue burden on the backs of hard-working New Mexican families by increasing taxes.

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I have vetoed and returned Senate Bills 6, 67, 134, 24, 184, 356, 222, and 64 via Senate Executive Messages 11, 12, 13, 14, 15, 16, 17, and 18, respectively. As you know, I have vetoed each of these afore enumerated bills on the grounds that they are not necessary for the health, safety, and welfare of the citizens of this great state. I agree with the Legislature; the depression of the oil and gas industry has resulted in a dire economic situation. Yet, despite this crisis, the Legislature has failed to send the budget to my desk. Additionally, the Senate has claimed that support for our universities is critical, yet it refuses to fulfill its constitutional role of confirming regent nominees. Until the Legislature sees fit to fulfill its constitutional obligations, including hearings, I will continue to veto legislation that is not necessary for the wellbeing of this state and its citizens.

Respectfully yours,

A handwritten signature in cursive script that reads "Martinez".

Susana Martinez  
Governor

SENATE EXECUTIVE MESSAGE NO. 19  
The Honorable Mary Kay Papen  
March 16, 2017  
Page 2

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 5:36 a.m. p.m.  
Date: March 16, 2017 By Jacey Littell  
FR Secretary of State

Time: 5:47 a.m. p.m.  
Date: March 16, 2017 By Guille V. Martinez  
for Chief Clerk of the Senate

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

STATE OF NEW MEXICO ex. rel.  
THE NEW MEXICO LEGISLATIVE COUNCIL,

Petitioner,

v.

No. D-101-CV-2017-\_\_\_\_\_

HONORABLE SUSANA MARTINEZ,  
Governor of the State of New Mexico, and  
HONORABLE MAGGIE TOULOUSE OLIVER,  
Secretary of State,

Respondents.

ALTERNATIVE WRIT OF MANDAMUS

STATE OF NEW MEXICO

To:

Honorable Maggie Toulouse Oliver  
Secretary of State  
Office of the Secretary of State  
325 Don Gaspar, # 300  
Santa Fe, NM 87501

Honorable Susana Martinez  
Office of the Attorney General  
408 Galisteo St.  
Santa Fe, NM 87501

YOU ARE HEREBY COMMANDED FORTHWITH EITHER TO:

Comply with your mandatory, non-discretionary duty to  
accept those bills as adopted laws for inclusion in the Session Laws of the First Regular  
Session of the Fifty-Third Legislature of the State of New Mexico;

OR

Show cause as to why this writ should not be made permanent.

THE DATE TO FILE ANY RESPONSIVE PLEADINGS SHALL BE \_\_\_\_\_  
(7 DAYS AFTER ISSUANCE OF THIS WRIT).

THE DATE FOR PETITIONER TO FILE ANY REPLY SHALL BE \_\_\_\_\_ .

AND THE DATE FOR A HEARING WILL

BE \_\_\_\_\_, AT THE FIRST JUDICIAL COURT, 225  
MONTEZUMA AVE./ SANTA FE, N.M. at \_\_\_\_\_(time).

A copy of Petitioner's Verified Petition for Alternative Writ of Mandamus is attached to this Writ which contains facts showing Respondent's obligation to do as commanded pursuant to Article IV, Section 22 of the New Mexico Constitution, NMSA 1978, Sections 44-2-4 through 44-2-6 (1884), and Rule 1-065 NMRA as Petitioners' "Exhibit A."

Approved:

\_\_\_\_\_  
First Judicial District Court Judge

Date: \_\_\_\_\_