

FOR IMMEDIATE RELEASE

July 1, 2021

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## **NM Legislature moves forward with petition to convene itself in Extraordinary session**

Santa Fe, NM – House Republican Leadership today released their petition calling for an Extraordinary Legislative Session in order to give the legislature a voice in deciding how \$1.75 billion dollars in federal COVID relief funds will be spent. Additionally, House Republican Leader Jim Townsend (Artesia), House Republican Whip Rod Montoya (Farmington), and House Republican Caucus Chair Rebecca Dow (Truth or Consequences) sent a letter to the House and Senate Democratic Leadership requesting their public support for the petition as it would send an important signal to the Governor that the Legislature's constitutional role cannot be ignored when the \$1.75 billion in federal funds are appropriated.

The petition calls for the State Legislature to convene a special session so lawmakers could either override Lujan Grisham's \$1.2 billion of line-item vetoes, or vote upon any negotiated agreement between the legislative and executive branches that would earmark how this \$1.75 billion would be used to help New Mexico recover from the pandemic. The state constitution grants sole authority to appropriate state treasury funds to the Legislature. By allowing the executive to unilaterally bypass and usurp this constitutional responsibility, the inaction by the Legislature will set a precedent that dramatically erodes the Legislature's "power of the purse." In previous years, there has been bipartisan support to push back against executive spending without legislative approval.

In order to convene an Extraordinary Legislative Session, the petition must receive support from three-fifths of each chamber, or 42 House Members and 25 Senators. The petition was drafted and will be distributed by the Legislative Council Service. All 112 lawmakers will have until July 8, 2020 to indicate their support for this needed action to ensure public transparency and preserve the balance of power between the legislative and executive branches of government. (Letter and petitions are attached)

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**FIFTY-FIFTH LEGISLATURE**

TO: The Honorable Michelle Lujan Grisham  
Governor of New Mexico

***CERTIFICATE***

I, \_\_\_\_\_, a member of the NEW MEXICO HOUSE OF  
[printed name]  
REPRESENTATIVES, hereby certify that, in my opinion, an emergency exists in the affairs of  
the state of New Mexico and that it is necessary for the legislature to convene in extraordinary  
session to review and consider for appropriation by the legislature the federal funds totaling  
\$1.75 billion received pursuant to the federal American Rescue Plan Act of 2021. Therefore, I  
respectfully request that you convene the legislature in extraordinary session within five days of  
your receipt of a sufficient number of signatures pursuant to the provisions of Article 4, Section 6  
of the Constitution of New Mexico.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
District #

\_\_\_\_\_  
Date

**FIFTY-FIFTH LEGISLATURE**

TO: The Honorable Michelle Lujan Grisham  
Governor of New Mexico

***CERTIFICATE***

I, \_\_\_\_\_, a member of the NEW MEXICO SENATE, hereby certify  
[printed name]  
that, in my opinion, an emergency exists in the affairs of the state of New Mexico and that it is  
necessary for the legislature to convene in extraordinary session to review and consider for  
appropriation by the legislature the federal funds totaling \$1.75 billion received pursuant to the  
federal American Rescue Plan Act of 2021. Therefore, I respectfully request that you convene  
the legislature in extraordinary session within five days of your receipt of a sufficient number of  
signatures pursuant to the provisions of Article 4, Section 6 of the Constitution of New Mexico.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
District #

\_\_\_\_\_  
Date



State of New Mexico  
**House of Representatives**  
State Capitol  
Santa Fe

July 1, 2021

The Honorable Mimi Stewart  
President Pro Tempore  
New Mexico State Senate  
State Capitol, Room 105  
Santa Fe, New Mexico 87501

The Honorable Brian Egolf  
Speaker  
New Mexico House of Representatives  
State Capitol, Room 104  
Santa Fe, New Mexico 87501

The Honorable Peter Wirth  
Majority Leader  
New Mexico State Senate  
State Capitol, Room 119  
Santa Fe, New Mexico 87501

Dear Madam President, Mr. Speaker, and Mr. Majority Leader:

We are writing to request your public endorsements of calling for an extraordinary special session of the Legislature. An extraordinary session, if agreed upon by three-fifths of both the House and the Senate, will provide an opportunity to override various line-items the Governor made to House Bill 2 and/or enact legislation that codifies any agreement between the legislative and executive branches on how \$1.75 billion in American Rescue Plan Act (ARPA) COVID relief should be spent. Expressing public support for an extraordinary special session to your Democratic Caucuses would send an important signal to the Governor that the Legislature's constitutional role cannot be ignored when the \$1.75 billion in federal funds are appropriated.

The Legislative Council Service will be emailing a certificate today to each House and Senate member to sign, indicating their support for an extraordinary session. We encourage each of you to express your public endorsement for the petition immediately as members will have a week to sign and return their certificates.

As we have stated previously, we believe preserving the Legislature's "power of the purse" is essential to avoid setting a horrible precedent that would allow both the current Governor and future executives to continue the unfounded claim they have sole authority to determine how unallocated federal dollars can be spent. It is imperative the Legislature, as the appropriating body under our state constitution, take every step possible to ensure our constitutional authority is not diminished in any way.

It is important to remind all members of the Legislature that during the previous Republican Administration, there was no reluctance by Legislative Council to initiate litigation against the Governor to question the validity of various executive vetoes of appropriations nor to request the Legislative Council Service to prepare certificates for the purpose of calling the Legislature into extraordinary session. A review of the minutes from the Legislative Council's meeting on April 17, 2017 may be beneficial in challenging recent comments that the Legislative Council has no role in calling for an extraordinary session or that such a certificate is nothing more than a "straw poll."

While Republican leadership has consistently stated our view that the Legislature must reject any notion that the Governor has sole authority to spend federal dollars, we continue to be disappointed to see House and Senate Democrat leadership content to take no action to protect our branch of government. For example, the Speaker stated yesterday that both former Governor Richardson and former Governor Martinez had spent federal stimulus money without the Legislature's approval, so there should be no issue with Governor Lujan Grisham doing the same thing.

Unfortunately, those comments were not factually accurate nor did they recognize the difference in magnitude regarding the amount of money Governor Lujan Grisham is seeking to spend unilaterally as compared to Governor Richardson. First, according to the Legislative Finance Committee staff, former Governor Martinez did not spend any unallocated federal stimulus dollars during her tenure without the Legislature's approval. Second, in regards to former Governor Richardson's actions, federal stimulus legislation, entitled the American Recovery and Reinvestment Act (ARRA) provided him with a \$56 million discretionary fund for his use to address specific priorities. However, any reasonable person would clearly recognize that allowing a governor to spend \$56 million in federal dollars is a completely different story than allowing a governor to spend \$1.75 billion without any legislative involvement.

It has also been troubling to see comments made in the media that characterize our concerns of the Governor usurping the Legislature's authority as a "political ploy" and "another Republican stunt." We would like to point out that both the Chair of Senate Finance Committee and the Chair of House Appropriations and Finance have expressed strong concerns about the Legislature having no role in determining how \$1.75 billion in federal COVID relief dollars will be spent. Not to mention another Democrat legislator publically expressed his support for an extraordinary session to ensure the Legislature preserves our constitutional authority.

This effort to assert our constitutional role should not be viewed as a partisan issue. Rather, it should be viewed as an institutional issue to maintain the balance of power between the legislative and executive branches of government. Therefore, we hope each of you will resist the temptation to continue playing politics and express your immediate public support for an extraordinary session. Each member of the House and Senate must be allowed to represent our individual constituents and fulfill our constitutional duty in determining how taxpayer dollars are appropriated.

Thank you for your careful consideration of this request. We look forward to working together in ensuring our representative form of government is preserved for current and future generations.

Sincerely,



James G. Townsend  
House Republican Leader



Rod Montoya  
House Republican Whip



Rebecca Dow  
Caucus Chair