



**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**DUKE RODRIGUEZ,**

**Petitioner,**

**v.**

**Case No. S-1-SC-41146**

**NEW MEXICO COMPILATION COMMISSION  
ADVISORY COMMITTEE,**

**Respondent,**

**and**

**MICHELLE LUJAN GRISHAM, in her  
official capacity as GOVERNOR of the  
State of New Mexico,**

**Real Party in Interest.**

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**GOVERNOR MICHELLE LUJAN GRISHAM'S  
RESPONSE BRIEF**

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**-November 7, 2025-**

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## INTRODUCTION

At the direction of President Trump, Congress passed the One Big Beautiful Bill Act and slashed funding for many vital programs, including the Supplemental Nutrition Assistance Program (“SNAP”), which provides food benefits to low-income families to supplement their grocery budget so they can afford the nutritious food essential to health and well-being. Governor Lujan Grisham refused to stand idly by and promptly called a special session to ensure New Mexicans continued to receive these necessary benefits. The Legislature agreed and quickly passed a general appropriations bill that included funding to address the federal cuts. Although the Governor welcomed this, she exercised her constitutional line-item veto authority to strike parts that rendered some appropriations virtually useless and hampered her Administration’s ability to give New Mexicans the support they need. Among other things, the Governor vetoed language that would have inadvertently limited state supplemental nutrition benefits for refugees, asylees, and human trafficking survivors to a paltry \$24 per month and eliminated them entirely for the elderly and disabled.

Petitioner, the CEO of one of New Mexico’s most profitable cannabis businesses, now seeks to prevent the State from feeding some of its poorest residents under the guise of vindicating the Legislature’s appropriation authority. The Court should not entertain Petitioner’s request. Petitioner admits (as he must) that he has

suffered no injury—a necessary requirement for standing. And while this Court has the discretion to excuse this under the great public importance doctrine, it should decline to do so here when no legislator has disagreed with the Governor’s vetoes and the Legislature has the opportunity to address them in a few months. For the same reasons, Petitioner’s challenge is undeserving of this Court’s original mandamus jurisdiction. It is also unripe to the extent it challenges vetoes that simply allow the Executive the discretion to spend funds on a longer timeline. But even if the Court looks past these fatal flaws, Petitioner’s challenge fails on the merits because the Governor’s vetoes further, rather than frustrate, the Legislature’s intent. Either way you cut it, the Petition should be denied.

## **BACKGROUND**

### **I. Recent federal cuts**

On July 4, 2025, President Trump signed into law a budget reconciliation bill, commonly known as the “One Big Beautiful Bill Act,” into law. *See* Pub. L. No. 119-21, 139 Stat. 72 (2025). In order to offset massive tax cuts for corporations and America’s most wealthy, the reconciliation bill slashed vital federal funding and programs. As relevant here, the bill reduces federal spending through changes to SNAP, which provides monetary assistance for low-income individuals and families to help them put food on their tables. Among other things, the bill discontinues SNAP benefits for legally present immigrants, including over 16,000 refugees,

asylees, and human trafficking survivors in New Mexico.<sup>1</sup> The bill also increases the states' share of administrative costs from 50% to 75% and requires that states contribute to SNAP benefits if they have a payment error rate above 6%. *Id.*

In addition to the federal cuts in the budget reconciliation bill, Congress passed a large rescission package at the request of President Trump later on in July. *See* Pub. L. No. 119-28, 139 Stat. 467 (2025). The rescission package clawed back billions of dollars from a variety of programs Congress previously funded. *See id.* As relevant here, the package rescinded over one billion dollars of previously allocated funds to the Corporation for Public Broadcasting, *id.*, which distributes funds to the National Public Radio, Public Broadcasting Service, and local affiliates.<sup>2</sup> This rescission has a particularly devastating impact on stations serving tribes, which receive more than 50% of their budget from federal funding. *See id.*

Lastly, as relevant to this litigation, the United States Education Department notified universities across the country in June that they would not receive funding

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<sup>1</sup> Lauren Kallins, *5 Changes the 'Beautiful' Bill Is Bringing to SNAP*, Nat'l Conference of State Legislatures (Oct. 22, 2025), <https://www.ncsl.org/state-legislatures-news/details/5-changes-the-beautiful-bill-is-bringing-to-snap>; *SNAP Provisions of the One Big Beautiful Bill Act of 2025 – Information Memorandum*, U.S. Dep't of Agriculture, <https://www.fns.usda.gov/snap/obbb-implementation> (last visited Oct. 30, 2025); Declaration of Kari Armijo at 4, attached as Exhibit A.

<sup>2</sup> Press Release, *Unprecedented Rescission Bill Defunds Public Media*, Nat'l Pub. Radio (Jul. 18, 2025), <https://www.npr.org/2025/07/18/g-s1-78150/unprecedented-rescission-bill-defunds-public-media>.

from previously awarded grants for the College Assistance Migrant Program.<sup>3</sup> This program assists students who are migratory or seasonal farmworkers enrolled in their first year of undergraduate studies at colleges and universities by providing services such as counseling and tutoring.<sup>4</sup> The Department of Education’s sudden cancellation of this funding specifically impacted New Mexico State University (“NMSU”), which had a \$2.4 million dollar grant awarded to fund the program through 2027.<sup>5</sup>

## **II. The special session and House Bill 1**

Shortly after President Trump signed the budget reconciliation bill, Governor Lujan Grisham called a special session of the Legislature pursuant to Article IV, Section 6 of the New Mexico Constitution.<sup>6</sup> The primary purpose of the session was

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<sup>3</sup> Jordan Owens, *Colleges pull back as Trump cuts programs that help migrant students*, Nat’l Pub. Radio (Sept. 22, 2025), <https://www.npr.org/2025/09/22/nx-s1-5539261/trump-cuts-programs-for-migrant-students>.

<sup>4</sup> *College Assistance Migrant Program*, U.S. Dep’t of Educ., <https://www.ed.gov/grants-and-programs/grants-special-populations/grants-migrant-students/college-assistance-migrant-program> (last visited Oct. 29, 2025).

<sup>5</sup> Minerva Baumann, *NMSU receives \$2.4 million, 5-year grant to continue College Assistance Migrant Program*, The Las Cruces Bulletin (June 28, 2022), <https://www.lascrucesbulletin.com/stories/nmsu-receives-24-million-5-year-grant-to-continue-college-assistance-migrant-program,12248>.

<sup>6</sup> Press Release, *Governor convenes special legislative session to address federal funding cuts and budget crisis*, Off. of Gov. Michelle Lujan Grisham (Sept. 30, 2025), <https://www.governor.state.nm.us/2025/09/30/governor-convenes-special-legislative-session-to-address-federal-funding-cuts-and-budget-crisis/>.

to appropriate funds to avoid the devastating consequences of the federal cuts on New Mexicans. *See id.* The Legislature convened and passed House Bill 1, a general appropriations bill, in less than a day. *See* H.B. 1, 57th Leg., 1st Spec. Sess. (N.M. 2025).

House Bill 1 appropriated, *inter alia*: (1) \$5,560,962 to the Department of Finance and Administration (“DFA”) for educational television and public radio, and \$429,527 to the Indian Affairs Department (“IAD”) for educational television and public radio provided by and for Indian nations, tribes, and pueblos; (2) \$4,600,000 to the Health Care Authority (“HCA”) to maintain state-funded supplemental nutrition benefits for elders and people with disabilities, and \$12,000,000 to maintain supplemental nutrition benefits for lawfully present residents by replacing them with state-funded food benefits; and (3) \$450,000 to NMSU to continue its College Assistance Migrant Program. *See* H.B. 1, §§ 3(A)-(B), 4(A)(1)-(2), 6.

### **III. The Governor’s line-item vetoes**

While the Governor supported all of the appropriations in House Bill 1, she exercised her line-item veto authority pursuant to Article IV, Section 22 of the New Mexico Constitution to strike several parts that “unduly constricted the Executive

Department's ability to assist New Mexicans.”<sup>7</sup> As relevant here, she first vetoed portions of the appropriations to DFA and IAD for educational television and public radio that required expenditures to be made in fiscal years 2026 and 2027 and provided that any unexpended funds would revert to the general fund:

A. Five million five hundred sixty thousand nine hundred sixty-two dollars (\$5,560,962) is appropriated from the general fund to the department of finance and administration ~~for expenditure in fiscal years 2026 and 2027~~ for educational television and public radio. ~~Any unexpended balance remaining at the end of fiscal year 2027 shall revert to the general fund.~~

B. Four hundred twenty-nine thousand five hundred twenty-seven dollars (\$429,527) is appropriated from the general fund to the Indian affairs department ~~for expenditure in fiscal years 2026 and 2027~~ for educational television and public radio provided by and for Indian nations, tribes and pueblos. ~~Any unexpended balance remaining at the end of fiscal year 2027 shall revert to the general fund.~~

H.B. 1, § 3(A)-(B). The Governor vetoed these parts to provide for greater flexibility and ensure that the funds could be spent according to the federal fiscal year (October

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<sup>7</sup> See Letter from Michelle Lujan Grisham, Governor, State of New Mexico, to Javier Martinez, Speaker of the House, State of New Mexico (Oct. 3, 2025), <https://www.governor.state.nm.us/wp-content/uploads/2025/10/House-Executive-Message-002.pdf>. Petitioner argues the Governor's veto message “articulates mutually exclusive grounds to justify the line-item vetoes” because she described the vetoed provisions as “minor,” which Petitioner claims cannot “unduly constrain” the Executive Department. See Verified Petition for Writ of Mandamus, at 12-13 (filed October 16, 2025) (“Petition”). However, the Governor's message uses the term “minor” to describe the *size* of the vetoed provisions—not their importance. See *Minor*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/minor> (defining “minor,” in relevant part, as “inferior in importance, *size*, or degree (emphasis added)). The Court need not get bogged down in Petitioner's resort to semantics.

1 through September 30) rather than New Mexico’s state fiscal year (July 1 through June 30). *See* Declaration of Stephanie M. Rodriguez at 3, attached at Exhibit B. This allows educational institutions and programming partners to responsibly utilize the funds in a manner that supports long-term financial stability, strategic planning, and sustainable program development. *See id.* It also ensures that contractual obligations can be met, vendors and partners can be paid timely for completed work, and essential services are not disrupted. *See id.* at 4.

Second, the Governor vetoed portions of the appropriations to HCA to maintain supplemental nutrition benefits that would have limited the benefits to the “minimum federal” amount.

A. The following amounts are appropriated from the general fund to the health care authority for expenditure in fiscal years 2026 and 2027. Any unexpended balance remaining at the end of fiscal year 2027 shall revert to the general fund:

(1) four million six hundred thousand dollars (\$4,600,000) to maintain the ~~minimum federal~~ supplemental nutrition assistance program benefit for elders and people with disabilities;

(2) twelve million dollars (\$12,000,000) to maintain the ~~minimum federal~~ supplemental nutrition assistance program benefit for lawfully present residents[.]

H.B. 1, § 4(A)(1)-(2). It was necessary to strike this language in Subsection (A)(1) because the supplement for elders and people with disabilities is not a federal program, but rather a *state*-funded supplemental benefit program that ensures that this population receives at least \$100 each month rather than the federal minimum

benefit of \$24 each month. *See* Exhibit A at 2-4. Additionally, leaving this language in would render the entire appropriation meaningless since the elderly and disabled never stopped receiving the “federal minimum” SNAP benefit. *See id.* at 5.

The Governor also vetoed this language in Subsection (A)(2) because it would limit supplemental nutrition benefits for thousands of refugees, asylees, and human trafficking survivors in New Mexico to the federal minimum of \$24 per month, which is significantly less than the amount many of these individuals and families were receiving prior to the One Big Beautiful Bill Act (\$325 per month on average per household). *See id.* at 5. The Governor did not believe the Legislature intended such a result, as evidenced from both negotiations with leadership and simple math: the Legislature would have only needed to appropriate approximately \$1.1 million to maintain the federal minimum for this population for the remainder of 2025, or approximately \$3.5 million for the nine months remaining in fiscal year 2026. *See id.* The decision to appropriate \$12 million thus demonstrated that the Legislature intended to provide more than just the federal minimum for lawfully present residents. *See id.*

Lastly, the Governor vetoed a provision in the appropriation to NMSU for its College Assistance Migrant Program that would have required any unexpended funds to revert to the general fund at the end of fiscal year 2026:

Four hundred fifty thousand dollars (\$450,000) is appropriated from the general fund to the board of regents of [NMSU] for expenditure in fiscal

year 2026 for the university's college assistance program to provide post-secondary educational needs of United States citizens and permanent legal residents who worked as migratory seasonal farmworkers, dairy workers and ranch workers. ~~Any unexpended balance remaining at the end of fiscal year 2026 shall revert to the general fund.~~

H.B. 1, § 6. The Governor vetoed this for the same reason she vetoed the language regarding the public television and radio appropriations *See* Exhibit A.

#### **IV. The instant action**

On October 16, 2025, the CEO of one of New Mexico's largest cannabis business filed a petition for writ of mandamus with this Court challenging the Governor's line-item vetoes. *See* Petition.<sup>8</sup> Despite having absolutely no involvement with the legislative process or negotiations between the executive and legislative branches prior to the special session, Petitioner claims that the Governor's line-item vetoes to Section 3(A)-(B), Section 4(A)(1)-(2), and Section 6 of House Bill 1 "distort[] legislative intent." Petition at 1. Accordingly, Petitioner requests that the Court declare the challenged line-item vetoes unconstitutional and order the New Mexico Compilation Commission Advisory Committee to chapter and publish the enrolled and engrossed version of House Bill 1 as passed by the Legislature without the line-item vetoes. *See* Petition at 19.

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<sup>8</sup> Patrick Lohmann, *NM cannabis exec asks NM Supreme Court to overturn Gov's recent line-item vetoes*, Source N.M. (Oct. 17, 2025), <https://sourcenm.com/2025/10/17/nm-cannabis-exec-asks-nm-supreme-court-to-overturn-govs-recent-line-item-vetoes/>.

## DISCUSSION

### **I. Petitioner does not have standing, and the Court should not excuse the failure to meet this important prerequisite**

As an initial matter, the Court should dismiss the Petition for lack of standing. Petitioner concedes he does not satisfy the traditional elements of standing because he has not personally been injured by the Governor’s vetoes. *See* Petition at 2-5. Rather, he summarily asserts that the Court should grant standing under the great public importance doctrine. *See id.* The Court should decline this invitation.

Parties that cannot meet the traditional standing requirements—such as Petitioner—may nonetheless be “granted” standing “to vindicate the public interest in cases presenting issues of great public importance.” *State ex rel. Sego v. Kirkpatrick*, 1974-NMSC-059, ¶ 7, 86 N.M. 359, 524 P.2d 975. “Cases in which ‘great public importance’ standing has been recognized involve ‘clear threats to the essential nature of state government guaranteed to New Mexico citizens under their Constitution—a government in which the three distinct departments . . . legislative, executive, and judicial, remain within the bounds of their constitutional powers.’” *New Energy Econ., Inc. v. Martinez*, 2011-NMSC-006, ¶ 13, 149 N.M. 207, 247 P.3d 286 (quoting *State ex rel. Coll v. Johnson*, 1999-NMSC-036, ¶ 21, 128 N.M. 154, 990 P.2d 1277).

Although the language “great public importance” may seem quite broad, courts have been cautious and invoked the doctrine sparingly to ensure the integrity of their opinions and the functioning of the judiciary. This Court explained long ago:

As desirable as it may be to have our opinion on questions of public importance as soon as possible, it is always dangerous to function in the abstract. We must avoid ill-defined controversies over constitutional issues. The gist of the question of standing is whether the party seeking relief has alleged such personal stake in the outcome of the controversy as to assure the concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions.

*State ex rel. Overton v. N.M. State Tax Comm’n*, 1969-NMSC-140, ¶ 19, 81 N.M. 28, 462 P.2d 613 (cleaned up).

This reluctance to grant standing to those without a personal stake in the outcome also serves an important check on the judiciary. As the Wisconsin Supreme Court stated, “This exception must be applied with caution and its exercise must be a matter where strict standards are applied to avoid the temptation to apply the judge’s own beliefs and philosophies to a determination of what questions are of great public importance.” *Brimmer v. Thomson*, 521 P.2d 574, 578 (Wyo. 1974); accord *New Energy Econ., Inc. v. Shoobridge*, 2010-NMSC-049, ¶ 16, 149 N.M. 42, 243 P.3d 746 (“[P]rudential rules of judicial self-governance, like standing, ripeness, and mootness, are founded in concern about the proper—and properly limited—role of courts in a democratic society and are always relevant concerns.” (cleaned up)); cf. *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 408 (2013) (“The law of Article III

standing, which is built on separation-of-powers principles, serves to prevent the judicial process from being used to usurp the powers of the political branches. . . . Relaxation of standing requirements is directly related to the expansion of judicial power[.]” (cleaned up)).

To be sure, this Court has previously invoked the great public importance doctrine to allow challenges to line-item vetoes in the absence of a petitioner with traditional standing. *See, e.g., Sego*, 1974-NMSC-059, ¶ 7. But the Court need not, and should not, follow the same route here. Tellingly, not a single legislator has joined the Petition or even publicly voiced disagreement with the Governor’s line-item vetoes—suggesting that the Court’s intervention here is unnecessary. Indeed, it appears this would be the first time the Court grants standing under the great public importance doctrine for a challenge to line-item vetoes without the support of legislators.<sup>9</sup> Respectfully, the Court should not expand this exception to critical standing requirements any more than it has in this realm involving the division of powers between its sister branches. *See Overton*, 1969-NMSC-140, ¶ 19; *Brimmer*, 521 P.2d at 578. Holding otherwise and granting Petitioner standing when he is

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<sup>9</sup> *See State ex rel. Cisneros v. Martinez*, 2015-NMSC-001, 340 P.3d 597; *State ex rel. Smith v. Martinez*, 2011-NMSC-043, 150 N.M. 703, 265 P.3d 1276; *State ex rel. Stewart v. Martinez*, 2011-NMSC-045, 270 P.3d 96; *State ex rel. Coll v. Carruthers*, 1988-NMSC-057, 107 N.M. 439, 759 P.2d 1380; *Chronis v. State ex rel. Rodriguez*, 1983-NMSC-081, 100 N.M. 342, 670 P.2d 953; *Sego*, 1974-NMSC-059; *State ex rel. Dickson v. Saiz*, 1957-NMSC-010, 62 N.M. 227, 308 P.2d 205.

admittedly unaffected by these line-item vetoes would blow the gates open to such future challenges, no doubt embroiling this Court in a line-by-line review of every veto *ad infinitum*.

But even if Petitioner could find some legislators to join his cause, the Court should still decline to dole out standing here. As the Arizona Supreme Court observed, “When a claim allegedly belongs to the legislature as a whole, four members who bring the action without the benefit of legislative authorization should not, except perhaps in the most exceptional circumstances, be accorded standing to obtain relief on behalf of the legislature.” *Bennett v. Napolitano*, 81 P.3d 311, 318 (Ariz. 2003). “[T]o hold otherwise, could result in a scenario where a single legislator, perceiving a ‘separation-of-powers injury’ to the legislature as a whole, purports to bring an action seeking to redress the alleged injury, yet the majority of the legislature he or she purports to represent perceives no injury at all.” *Reeves v. Gunn*, 307 So. 3d 436, 445 (Miss. 2020) (Maxwell, J, concurring) (quoting *Morrow v. Bentley*, 261 So. 3d 278, 294 (Ala. 2017)).

There is no reason for the Court to entertain the Petition in this case. The challenged line-item vetoes are not “a clear threat[] to the essential nature of state government guaranteed to New Mexico citizens under their Constitution,” *Coll*, 1999-NMSC-036, ¶ 21, when the Legislature has the opportunity to address them in

less than three months if it desires.<sup>10</sup> *See Stewart*, 2011-NMSC-045, ¶ 8 (delaying passing on merits of petition until the Legislature had the opportunity to address issue during upcoming special session); Michael B. Browde, *Separation of Powers in New Mexico: Item Vetoes, State-Policy Making, and the Role of State Courts*, 45 Mitchell Hamline L. Rev. 427, 446-53 (2019) (explaining that “[t]he range and complexity of these arguments [regarding line-item vetoes] demonstrate that judicial restraint may, in some instances, be an appropriate choice, especially if other paths toward resolution are on the horizon”). Indeed, this Court recently observed:

[T]he Court recognizes the importance of exercising judicial restraint consistent with the longstanding principle of constitutional jurisprudence to decide cases on the narrowest grounds possible and avoid deciding constitutional questions unless absolutely necessary. . . . [T]he foregoing principle is especially important when dealing with disputes between branches of government, implicating separation of powers issues, particularly when the Legislative branch has not been afforded an opportunity to address the issues in dispute[.]

Order, *State ex rel. Reifsteck v. Propst*, No. S-1-SC-40592 (N.M. Sup. Ct. Dec. 5, 2024) (citing *Allen v. Lemaster*, 2012-NMSC-001, ¶ 28, 267 P.3d 806).

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<sup>10</sup> The Governor will call the Legislature into special session on November 10 to address the federal government’s ongoing failure to provide any SNAP benefits. *See Clara Bates, New Mexico Gov calls Nov. 10 special session to continue funding food aid as shutdown persists*, Santa Fe New Mexican (Nov. 6, 2025), [https://www.santafenewmexican.com/news/local\\_news/new-mexico-gov-calls-nov-10-special-session-to-continue-funding-food-aid-as-shutdown/article\\_d0a72322-eb57-4bdb-a857-0e4efcfe4542.html](https://www.santafenewmexican.com/news/local_news/new-mexico-gov-calls-nov-10-special-session-to-continue-funding-food-aid-as-shutdown/article_d0a72322-eb57-4bdb-a857-0e4efcfe4542.html). However, she does not anticipate the Legislature will address the specific issues relating to this litigation at that time.

In less than three months' time, the Legislature may choose to override the Governor's vetoes, which would moot the need for this Court to get involved. Alternatively, the Legislature may ratify or acquiesce to the Governor's vetoes, which would likewise suggest the Court's intervention at the behest of a single private citizen is unnecessary. *See Smith*, 2011-NMSC-043, ¶ 9 (recognizing that "legislative acquiescence to actions by the governor may indicate that the governor's action is proper" (citing *State ex rel. Lee v. Hartman*, 1961-NMSC-171, ¶ 29, 69 N.M. 419, 367 P.2d 918)); *Bennett*, 81 P.3d at 318 (finding the legislature's failure to exercise available political means by seeking to override the governor's vetoes significant in declining to waive standing requirements for challenge to gubernatorial veto). Either way, the Court should decline to confer standing under the great public importance doctrine to resolve nothing more than a manufactured controversy between its sister branches. *Cf. Sego*, 1974-NMSC-059, ¶ 35 (rejecting "attempt to create an issue or find a difference between the positions of the Legislature and the Governor, when in fact there is no such issue or difference").

## **II. An original action for mandamus is improper**

The Court should also dismiss the Petition because it fails to meet the requirements for original mandamus jurisdiction. Mandamus is "a drastic remedy to be invoked only in extraordinary circumstances and then only to force a clear legal right against one having a clear legal duty to perform an act." *Pirtle v. Legislative*

*Council Comm. of New Mexico Legislature*, 2021-NMSC-026, ¶ 35, 492 P.3d 586

(cleaned up). This Court will only exercise its original jurisdiction to issue a writ of mandamus when the petitioner:

presents a purely legal issue concerning the non-discretionary duty of a government official that (1) implicates fundamental constitutional questions of great public importance, (2) can be answered on the basis of virtually undisputed facts, and (3) calls for an expeditious resolution that cannot be obtained through other channels such as a direct appeal.

*State ex rel. Sandel v. New Mexico Pub. Util. Comm’n*, 1999-NMSC-019, ¶ 11, 127 N.M. 272, 980 P.2d 55.

The Petition fails to meet most of these prerequisites. As explained above, the Petition does not implicate a fundamental constitutional question of great public importance when the Legislature can address the challenged line-item vetoes in less than three months. Furthermore, the Petition does not call for an expeditious resolution that cannot be obtained through other channels such as filing an action in district court and appealing if necessary. *Cf. State ex rel. Oil Conservation Comm’n v. Brand*, 1959-NMSC-038, ¶¶ 13-14, 65 N.M. 384, 338 P.2d 113 (declining to issue writ of superintending control and observing that “there is no apparent reason why the case could not be tried in the district court and, even if appealed, disposed of within a reasonable time”).

Indeed, Petitioner makes no real attempt to explain how he “has no plain, speedy, or adequate remedy at law.” Petition at 2-5. While Petitioner is correct that

House Bill 1 has already taken effect, he makes no effort to explain how this, *ipso facto*, satisfies the requirements to invoke this Court’s original jurisdiction here. The challenged vetoes do not authorize the Executive to expend appropriated funds for unauthorized purposes; they merely give the Executive the flexibility to spend the funds on a *longer* timeline and provide more supplemental nutrition benefits to eligible individuals. It is hard to see why, then, this Court *must* step in at this time. The Court should decline to exercise its original jurisdiction to issue a writ of mandamus.

### **III. Petitioner’s challenge is largely unripe**

If the Court decides to grant Petitioner standing to bring an original action for mandamus, it should still decline to address his challenges to the line-item vetoes of Sections 3 and 6. “The purpose of the ripeness requirement is and always has been to conserve judicial machinery for problems which are real and present or imminent, not to squander it on abstract or hypothetical or remote problems.” *Am. Fed’n of State v. Bd. of Cnty. Com’rs of Bernalillo Cnty.*, 2016-NMSC-017, ¶ 19, 373 P.3d 989 (cleaned up). “The core policy concerns animating the ripeness doctrine are avoidance of unnecessary constitutional determinations and the establishment and maintenance of proper relationships between the judiciary and other branches of government.” *Id.* Ripeness analysis involves a two-pronged inquiry in which the Court “evaluate[s] both the fitness for the issues for judicial decision and the

hardship to the parties of withholding court consideration.” *Id.* ¶ 19 (cleaned up). “When, as in the present case, constitutional questions are at issue, courts are particularly vigilant to ensure that the matter is ripe.” *Id.*

Here, it is undisputed the Governor’s vetoes to Sections 3 and 6 do not alter how the funds may be spent; they simply allow the Executive to spend the funds on a longer timeline, *if needed*. See Petition at 13-15. It is quite possible these funds will be spent within the timeframe originally set in House Bill 1—which would negate any potential injury stemming from the line-item vetoes. See Exhibit B at 4. And Petitioner will personally suffer no hardship should the Court withhold consideration given his undisputed lack of injury. See Petition at 2-5. Accordingly, the Court should decline to address this portion of Petitioner’s challenge even if it decides to grant him standing to bring this original action for mandamus. See *Am. Fed’n of State*, 2016-NMSC-017, ¶¶ 19-20.

#### **IV. The Governor’s line-item vetoes were proper**

##### **A. The importance of the line-item veto power**

To fully understand the issues in this case, it is useful to keep in mind the important check that the line-item veto power serves. With few exceptions, money shall be paid out of the treasury only upon appropriations made by the Legislature. See N.M. Const. art. IV, § 30. Thus, the Legislature wields the weighty “power of the purse.” See *Gamble v. Velarde*, 1932-NMSC-048, ¶ 15, 36 N.M. 262, 13 P.2d

559. However, the framers recognized this incredible power must be subject to checks and balances. They knew that an unchecked power of appropriation allowed legislators to include provisions that were “corrupt,” “hasty and ill-conceived,” or otherwise without adequate support to be passed on their own in general legislation—forcing governors “to veto the entire appropriation act in order to prevent the one objectionable portion from becoming law.” *Coll*, 1988-NMSC-057, ¶ 8 (citing *Colorado Gen. Assembly v. Lamm*, 704 P.2d 1371, 1383 (Colo. 1985)).

As the Massachusetts Supreme Court put it:

[I]f through the appropriation process, the Legislature were able to compel the Governor either to accept general legislation or to risk forfeiture of appropriations for a department of government, the careful balance of powers struck in [the state constitution] would be destroyed, and the fundamental principle of separation of powers . . . would be substantially undermined.

*Opinion of the Justices to the House of Representatives*, 428 N.E.2d 117, 120 (Mass. 1981).

To preserve separation of powers and prevent these objectionable “logrolling” tactics, our framers (like the framers of many other state constitutions) gave the Governor the power of the line-item veto. *See Coll*, 1988-NMSC-057, ¶ 8; *Lamm*, 704 P.2d at 1383; *Washington State Legislature v. Lowry*, 931 P.2d 885, 889 (Wash. 1997) (en banc). Specifically, Article IV, Section 22 of the New Mexico Constitution provides, in relevant part:

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[;] . . . otherwise, he shall return it to the house in which it originated, with his objections, . . . and such bill shall not become a law unless thereafter approved by two-thirds of the members present and voting in each house . . . . *The governor may in like manner approve or disapprove any part or parts, item or items, of any bill appropriating money, and such parts or items approved shall become a law, and such as are disapproved shall be void unless passed over his veto, as herein provided.*

(Emphasis added).

Notably, the emphasized language “differs from most other states with item-veto provisions because it allows the *broadest possible veto authority* by additionally providing authority to veto ‘parts,’ not only ‘items.’” *Coll*, 1988-NMSC-057, ¶ 8 (emphasis added). Further, the framers “specifically adopted a proposal which increased the partial veto power to parts of bills of general legislation which contained incidental items of appropriation.” *Stewart*, 2011-NMSC-045, ¶ 13. The framers therefore signaled that the Governor should have an exceptionally broad power to check the Legislature’s appropriation authority. *See Dickson*, 1957-NMSC-010, ¶ 17 (observing that New Mexico “has, perhaps, one of the most liberal provisions touching a partial veto of any state in the union”). It follows that “[i]n order to preserve the constitutional division of power among the three branches of government, the determination of the executive branch of the government should be given great weight when the courts are asked to rule on the propriety of the veto of

an ‘item.’” *Elmhurst Convalescent Ctr., Inc. v. Bates*, 348 N.E.2d 151, 154-55 (Ohio Ct. App. 1975).

**B. The Governor’s line-item vetoes to House Bill 1 are constitutional**

**1. Line-item vetoes to Sections 3 and 6**

Petitioner first challenges the Governor’s line-item vetoes of the language in Section 3 that would have limited the expenditure of appropriated funds for educational television and public radio to fiscal years 2026 and 2027 and required any unspent funds to revert to the general fund. He similarly challenges the veto of similar language in Section 6’s appropriation to NMSU for its College Assistance Migrant Program. Notably, Petitioner does not (as he cannot) claim that the Governor vetoed any express contingent language, carefully struck language to allow the appropriations to be used for a different purpose, scaled any appropriations, or left behind an unworkable piece of legislation. *Contra Sego*, 1974-NMSC-059, ¶¶ 24-26; *Stewart*, 2011-NMSC-045, ¶¶ 10-23; *Smith*, 2011-NMSC-043, ¶¶ 5-9. Rather, Petitioner argues that the Governor’s line-item vetoes to Sections 3 and 6 “destroy the Legislature’s intent that the appropriations . . . be spent as quickly as possible.” Petition at 15.<sup>11</sup> In essence, Petitioner takes the position that

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<sup>11</sup> Petitioner provides no support for the assert that the Legislature wanted these appropriations to be spent “as quickly as possible.” The language of House Bill 1 simply indicates that the Legislature wanted the funds to be spent in certain fiscal years.

a line-item veto cannot be used to “destroy” any part of the Legislature’s intent (unless the vetoed language is invalid for a separate reason). The Court should reject this argument.

As an initial matter, the Governor’s vetoes actually *further* legislative intent because they strike items that hamper the Executive’s ability to accomplish the purpose of the appropriations. As explained above, the line-item vetoes will allow educational institutions and programming partners to responsibly utilize the funds in a manner that supports long-term financial stability, strategic planning, and sustainable program development. *See* Exhibit B at 3. They will also ensure that contractual obligations can be met, vendors and partners can be paid timely for completed work, and essential services are not disrupted. *See id.* at 4. In fact, the line-item vetoes may give educational institutions and programming partners the ability to spend the money even faster if they desire. *See id.* at 4. These reasons are entirely consistent with the Legislature’s intent behind the appropriations.

At the end of the day, the funds will still be spent on the exact programs the Legislature wanted to fund; the Governor merely struck language that could cause the funds to be spent in an inefficient manner. Accordingly, the Governor’s line-item vetoes are valid. *See Coll*, 1988-NMSC-057, ¶ 26 (“The condition hampers the governor’s control over the expenditure of these funds to accomplish the purpose for which the funds were appropriated, a result we find unacceptable. The governor’s

veto ‘did not change the [basic] purpose for which the . . . fund was established.’” (quoting *Sego*, 1974-NMSC-059, ¶ 35)).

Assuming, *arguendo*, Petitioner is correct that the line-item vetoes “destroy” part of the Legislature’s intent behind the appropriations, they are still valid. This Court has held that the Governor’s line-item vetoes may not “distort the legislative intent, and in effect create legislation inconsistent with that enacted by the Legislature, by the careful striking of words, phrases, clauses or sentences.” *Sego*, 1974-NMSC-059, ¶ 18. On the flipside, however, the Court has recognized that the power of the line-item veto is quite literally the “power to delete or *destroy*.” *Id.* (emphasis added).<sup>12</sup> In other words, “the line item veto power is intended to be a . .

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<sup>12</sup> This Court has distinguished between using line-item vetoes as a “negative power,” as opposed to a “positive power.” *Id.* Respectfully, this artificial distinction is unhelpful. As the Wisconsin Supreme Court observed, in analyzing a nearly identical veto provision:

Some argument is advanced that in the exercise of the item veto the governor can negative what the legislature has done but not bring about an affirmative change in the result intended by the legislature. We are not impressed by this argued distinction. Every veto has both a negative and affirmative ring about it. There is always a change of policy involved. We think the constitutional requisites of art. V, sec. 10, fully anticipate that the governor’s action may alter the policy as written in the bill sent to the governor by the legislature.

*State ex rel. Kleczka v. Conta*, 264 N.W.2d 539, 552 (Wis. 1978) (cleaned up). If the Court decides to grant Petitioner standing (it should not), it should reassess this negative vs. positive dichotomy. See *Stewart*, 2011-NMSC-045, ¶¶ 19-20 (relying on “Wisconsin jurisprudence because the Wisconsin Constitution has a partial veto provision almost identical to New Mexico’s” and approvingly citing Wisconsin

. power to nullify, or at least suspend, legislative intent.” *Amisub of S.C., Inc. v. S.C. Dept. of Health & Envtl. Control*, 757 S.E.2d 408, 415 (S.C. 2014) (cleaned up). It follows that *every* line-item veto would be invalid under Petitioner’s theory since they, by definition, nullify a portion of the Legislature’s intent. If Article IV, Section 22’s line-item veto provision is to have any meaning, the Court must reject Petitioner’s position. Rather, the true question is whether the veto “leav[es] intact the legislative intent *regarding the remaining provisions in the bill*.” *Stewart*, 2011-NMSC-045, ¶ 15 (emphasis added). The Governor’s line-item vetoes comport with this requirement.

This Court’s decision in *Dickson* is instructive. 1957-NMSC-010. There, the Legislature passed an act regulating the sale of alcohol, which only incidentally appropriated money. *See id.* Governor Miles line-item vetoed various words, phrases, and sentences in the act that would have permitted the sale of alcohol on Sundays. *See id.* ¶ 7. Thus, the Governor signed into law legislation that differed from that passed by the Legislature: the Legislature wanted to allow alcohol sales on Sundays but the Governor decided this was ill-advised and struck it. In other words, the Governor “destroyed” the legislative intent to allow alcohol sales on Sundays.

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Supreme Court decision that upheld a veto “even if the result effectuates a change in legislative policy” (citing *State ex rel. Sundby v. Adamany*, 237 N.W.2d 910, 916 (Wis. 1976))).

Nonetheless, this Court saw “in his action no usurpation of the legislative function.”  
*Id.* ¶ 30.

Governor Lujan Grisham’s vetoes to Sections 3 and 6 of House Bill 1 do not “destroy” the Legislature’s intent any more than Governor Miles’ vetoes in *Dickson*. Just as the Legislature wanted to allow alcohol sales on Sundays in 1953, the 57th Legislature wanted to limit the expenditure of appropriated funds for educational television, public radio, and NMSU’s College Assistance Migrant Program to fiscal years 2026 and 2027 and claw back unspent funds to the General Fund. And just as Governor Miles “went through the bill before him with meticulous care, lifting from it, wherever found, the part or parts germane to the [Sunday alcohol sales provision],” *Dickson*, 1957-NMSC-010, ¶ 28, so too did Governor Lujan Grisham with regard to the temporal restrictions and reversion language. While the result may be slightly different from the Legislature’s specific vision, the Governor left intact the legislative intent regarding the remaining portions of the appropriation. Therefore, they are valid. *See Stewart*, 2011-NMSC-045, ¶ 15.

## **2. Line-item vetoes to Section 4**

The Court should likewise reject Petitioner’s challenge to the Governor’s line-item vetoes to Section 4 of House Bill 1. Again, Petitioner does not claim that the Governor vetoed any express contingent language, carefully struck language to allow the appropriations to be used for a different purpose, scaled any

appropriations, or left behind an unworkable piece of legislation. *See* Petition at 16-18. Petitioner only argues that the Governor’s vetoes are invalid because they allow the funds to be used to provide supplemental nutrition benefits for the elderly, disabled, and lawfully present residents that exceed the federal minimum of \$24 per month. Petitioner at 16-17.<sup>13</sup> While Petitioner begrudgingly acknowledges that providing the most vulnerable New Mexicans with more nutritional assistance “may have its merits,” he asserts the Governor did not have authority to make this decision. *Id.* The Court should reject Petitioner’s argument, which is premised on a fundamental misunderstanding of both the functioning of federal and state nutrition programs and the Legislature’s intent.

Contrary to Petitioner’s assertions, the Governor’s line-item vetoes *ensure* that the Executive can fulfill the Legislature’s intent behind the appropriations in Section 4. As explained above, it was necessary to veto “minimum federal” in Subsection (A)(1) regarding the \$4.6 million appropriation to “maintain” the supplemental nutrition payments to the elderly and people with disabilities because this is a *state-funded* supplemental benefit, and these individuals were already receiving the federal minimum SNAP payment. *See* Exhibit A at 2-4. In other words, the Governor

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<sup>13</sup> Petitioner also speculates the Governor may attempt to use the funds to provide benefits to an “expanded class of beneficiaries.” Petition at 18. It is unclear how this would be possible, as substantive law—including SNAP eligibility requirements—cannot be changed in a general appropriations bill. *See Coll*, 1988-NMSC-057, ¶ 20. Recipients must still meet the ordinary eligibility requirements set by law.

had to strike this language to avoid an absurd result where the appropriation would have no meaning whatsoever. The Governor similarly vetoed “minimum federal” in Subsection (A)(2) regarding the \$12 million appropriation to “maintain” the supplemental nutrition benefits for lawfully present residents because it would have limited these individuals to a pitiful \$24 per month—contrary to her understanding of the Legislature’s intent and the math behind the appropriation. *See id.* at 5. Why would the Legislature appropriate \$12 million for these individuals when it would only require approximately \$1.1 million to maintain them at the federal minimum for the remainder of 2025, or approximately \$3.5 million for the nine months remaining in fiscal year 2026? *See id.* Again, it makes no sense.

Contemporaneous statements from House Bill 1’s sponsors confirm that the Governor’s line-item vetoes did not improperly distort legislative intent. For example, Senator George Munoz explained that House Bill 1 helps “ensure that New Mexicans don’t go hungry due to SNAP changes at the federal level.”<sup>14</sup> To that end, he noted, House Bill 1 appropriates \$4.6 million “to ensure our seniors . . . and people with disabilities *maintain* the \$100 SNAP supplemental [benefit]” and \$12 million

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<sup>14</sup> *Senate Floor Debate of House Bill 1*, at 9:26:30, N.M. Legis. (Oct. 1, 2025), <https://sg001-harmony.sliq.net/00293/Harmony/en/PowerBrowser/PowerBrowserV2/20251001/-1/77708> [hereinafter *Senate Floor Debate*]; *see also, e.g., Senate & Finance Comm. Hearing on House Bill 1*, at 8:34:30-35:50, N.M. Legis. (Oct. 1, 2025), <https://sg001-harmony.sliq.net/00293/Harmony/en/PowerBrowser/PowerBrowserV2/20251001/-1/77707> (explaining purpose of House Bill 1 appropriations).

“to *maintain* the SNAP for lawfully present residents.” Senate Floor Debate at 9:27:40 (emphases added). Representative Nathan Small similarly explained that House Bill 1 will ensure that the elderly, disabled, and lawfully present residents keep receiving the same benefits that they would have been entitled to prior to the federal cuts.<sup>15</sup> These statements demonstrate that the Legislature intended for these appropriations to be used for more than just the “minimum federal” SNAP benefit—which is substantially less than the amount most, if not all, of these groups were previously receiving. *See U.S. Brewers Ass’n, Inc. v. Dir. of the New Mexico Dept. of Alcoholic Beverage Control*, 1983-NMSC-059, ¶ 9, 100 N.M. 216, 668 P.2d 1093 (explaining that “in determining legislative intent it is proper to look to the legislative history of an act or contemporaneous statements of legislators while the legislation was in the process of enactment”); Exhibit A at 5.

At bottom, Governor Lujan Grisham simply vetoed erroneous language that would have prevented the Executive from carrying out the purpose for which the funds were appropriated. There is nothing improper about this. As this Court has explained, it is “the high duty and responsibility of the judicial branch of government

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<sup>15</sup> *House Floor Debate of House Bill 1*, at 5:16:50, 7:49:30-55:10, N.M. Legis. (Oct. 1, 2025), <https://sg001-harmony.sliq.net/00293/Harmony/en/PowerBrowser/PowerBrowserV2/20251001/-1/77701>; *see also, e.g., House Appropriations & Finance Comm. Hearing on House Bill 1*, at 2:33:00, N.M. Legis. (Oct. 1, 2025), <https://sg001-harmony.sliq.net/00293/Harmony/en/PowerBrowser/PowerBrowserV2/20251001/-1/77692> (House Bill 1 expert explaining additional SNAP funding for elderly and disabled).

to facilitate and promote the legislature’s accomplishment of its purpose—especially when such action involves correcting an apparent legislative mistake.” *State ex rel. Helman v. Gallegos*, 1994-NMSC-023, ¶ 25, 117 N.M. 346, 871 P.2d 1352. It is therefore permissible to diverge from the plain language of a statute when “the language is doubtful, ambiguous, or would lead to injustice, absurdity or contradiction, in which case the statute is to be construed according to its obvious spirit or reason.” *State v. Gutierrez*, 2023-NMSC-002, ¶ 22, 523 P.3d 560 (cleaned up); *see also id.* (explaining how apparently clear statutory language may be ambiguous in light of “the history and background of the legislation, or in an apparent conflict between the statutory wording and the overall legislative intent” (cleaned up)).

The Governor’s vetoes essentially do the same thing: rather than distort or destroy legislative intent, they clarify and further it by removing erroneously placed language that prevent the Executive from providing the vital nutritional assistance the Legislature desired. It is hard to see how this violates separation of powers. *See Coll*, 1988-NMSC-057, ¶ 26 (“The condition hampers the governor’s control over the expenditure of these funds to accomplish the purpose for which the funds were appropriated, a result we find unacceptable.”); *cf. Adamany*, 237 N.W.2d at 918 (approving of vetoes that “resolved an inconsistency” created by the legislation); *Stewart*, 2011-NMSC-045, ¶ 20 (finding *Adamany* instructive); *see generally State*

*ex rel. Taylor v. Johnson*, 1998-NMSC-015, ¶ 23, 125 N.M. 343, 961 P.2d 768 (stating that a separation-of-powers violation “occurs when the action by one branch *prevents* another branch from accomplishing its constitutionally assigned functions” (emphasis added)).

The Court should reject Petitioner’s attempt to create controversy where there is none. Holding otherwise would impose immediate hardship on the families who depend on the increased benefits to buy groceries, especially children, seniors, and people with disabilities. *See* Exhibit A at 6. Without this support, many households will have to divert scarce income to food—leaving less available for rent, utilities, transportation, and healthcare. *See id.* Food banks and community providers will face a surge in demand they are unlikely equipped to absorb, and local businesses, especially grocery stores in low-income and rural communities, will undoubtedly feel the economic strain. *See id.* Neither the Legislature nor the Executive want this to happen. Respectfully, the Judiciary should not allow Petitioner to override the choices of its sister branches.

## **CONCLUSION**

For all the foregoing reasons, the Court should dismiss the Petition.

Respectfully submitted,

/s/ Holly Agajanian

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## **CERTIFICATE OF COMPLIANCE**

I certify that, according to Rule 12-504 NMRA, this brief complies with type-volume, font size, and word limitations of the New Mexico Rules of Appellate Procedure and this Court's Order granting a word limit extension to 7,500 words. The body of this brief employs 14-point Times New Roman font and contains 7,316 words, counted using Microsoft Office Word.

/s/ Holly Agajanian

Holly Agajanian

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 2025, I filed the foregoing through the New Mexico electronic filing system, which caused all parties and counsel of record to be served by electronic means.

/s/ Holly Agajanian

Holly Agajanian

**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**DUKE RODRIGUEZ,**

**Petitioner,**

**v.**

**Case No. S-1-SC-41146**

**NEW MEXICO COMPILATION COMMISSION  
ADVISORY COMMITTEE,**

**Respondent,**

**and**

**MICHELLE LUJAN GRISHAM, in her  
official capacity as GOVERNOR of the  
State of New Mexico,**

**Real Party in Interest.**

**DECLARATION OF KARI ARMIJO**

1. I am over the age of eighteen, I am of sound mind, and I am not otherwise disqualified from making this Declaration. The matters stated below are based on my own personal knowledge.

2. I am currently the Cabinet Secretary for the New Mexico Health Care Authority (HCA).

3. In my official capacity, I am responsible for the HCA, which is the state agency in New Mexico charged with ensuring New Mexicans attain their highest level

of health by providing whole-person, cost-effective, accessible, and high-quality health care and safety net services including Medicaid, behavioral health, child support, Supplemental Nutrition Assistance Program (SNAP), Low Income Home Energy Assistance Program, the Temporary Assistance for Needy Families (TANF) program, and other state supplemental food programs.

4. SNAP, one of the federal programs administered by the HCA, involves the issuance of monthly electronic benefits that can be used to purchase food at authorized retail stores.

5. Under the federal SNAP program, financially eligible one- and two-person households are ensured a minimum monthly benefit of \$24 in fiscal year 2026.<sup>1</sup> Without the minimum benefit, these smaller households may be eligible for SNAP, but for a negligible amount.

### **State Food Stamp Supplement Program for the Elderly and Disabled**

6. The State Food Stamp Supplement program (“State Supplement”), a state-funded program administered by the HCA, also involves the issuance of monthly electronic benefits that can be used to purchase food at authorized retail stores.

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<sup>1</sup> *SNAP – Fiscal Year 2026 Cost-of-Living Adjustments*, at 5, U.S. Dep’t of Agriculture Food & Nutrition Serv. (Aug. 8, 2025), <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-cola-fy26memo.pdf>.

7. The purpose of the State Supplement program is to provide “the elderly and disabled with increased food purchasing power resulting in better nutrition.”

8.139.502.8(A) NMAC.

8. Eligibility for these State Supplement benefits is limited to households where all members are elderly and disabled and the household “receives a federal SNAP program allotment amount, prior to any claim recoupment, of less than or equal to the federal minimum allotment.” 8.139.502.8(D)(4) NMAC.

9. The amount of the State Supplement is set by the Secretary of the HCA and is currently \$100.

10. The amount of State Supplemental benefit received by any particular beneficiary is calculated by subtracting the “federal SNAP allotment” from the \$100. 8.139.502.9(C)(2) NMAC.

11. Therefore, any elderly and disabled household that is currently eligible for less than \$100 in benefits under the federal SNAP program, receives up to \$76 in additional state benefits from the State Supplemental program to ensure they receive a minimum of \$100 in total nutrition benefits monthly.

12. In fiscal year 2025, the growth of elderly and disabled households eligible for the State Supplement program exceeded the estimate based on prior years. Consequently, the State Supplement program experienced a shortfall of approximately \$556,000.

13. Based on continued growth of eligible households since the 2025 legislative regular session, the HCA estimated that the existing fiscal year 2026 appropriation for the State Supplement would sustain only approximately \$61 monthly benefit for eligible elderly and disabled households rather than the \$100 minimum.

14. Therefore, the HCA requested additional funding during the October special session to maintain the State Supplement program, not to expand the program.

15. To limit the State Supplement program appropriation to the “minimum federal” benefit as stated in House Bill 1 would render the entire four million six hundred-thousand-dollar appropriation meaningless because the elderly and disabled beneficiaries are already receiving the federal minimum.

16. In order to effectuate the Legislature’s intention of appropriating funding to “maintain” the State Supplement program, the words “federal minimum” had to be removed.

### **SNAP Benefits for Legal Residents**

17. The United States Congress enacted Public Law 119-21 and the President of the United States signed it on July 4, 2025.

18. Section 10108 of Public Law 119-21 made 16,220 noncitizens who are lawfully present and residents of New Mexico ineligible for SNAP benefits, including refugees, asylees, and human trafficking survivors.

19. These newly ineligible residents include children legally living in 8,815 households in New Mexico.

20. These newly ineligible households were receiving an average of \$325 in SNAP benefits per month under the federal program.

21. If the Legislature intended to limit these 16,220 newly ineligible residents to the “minimum federal” benefit of \$24 per month, it would only have required an appropriation of approximately \$389,000 per month, approximately \$1.1 million for the remainder of 2025, or approximately \$3.5 million for the nine months remaining in fiscal year 2026 at the time of the appropriation.

22. Instead, the Legislature appropriated \$12 million dollars, indicating that the Legislature did not intend to fund the “federal minimum” of \$24 per month for those individuals but rather fund an amount that would “maintain” the amount these newly ineligible residents were receiving prior to the passage of Public Law 119-21.

23. In order to effectuate the Legislature’s intention of appropriating funding to “maintain” the “supplemental nutrition assistance program for lawfully present residents,” the words “federal minimum” had to be removed. Otherwise, 16,220 lawfully present residents in New Mexico would suddenly have to depend on \$24 per month in food assistance, which is insufficient to provide meaningful nutritional support for these individuals and families.

24. Suddenly reducing the nutritional supplement for legal residents to \$24 per month would create an immediate hardship for families who rely on the program to meet basic nutritional needs. Households would be forced to divert limited income toward food, leaving less for rent, utilities, transportation, and medical care—pushing many into deeper poverty or homelessness. Food banks and community organizations may be overwhelmed by the sudden increase in demand, and local economies would feel the impact of reduced consumer spending. For children, seniors, and people with disabilities, the loss of SNAP could lead to worsened health outcomes, increased food insecurity, and long-term developmental and economic consequences.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on November 6, 2025,  
in Santa Fe County, New Mexico.

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KARI ARMIJO

**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**DUKE RODRIGUEZ,**

**Petitioner,**

**v.**

**Case No. S-1-SC-41146**

**NEW MEXICO COMPILATION COMMISSION  
ADVISORY COMMITTEE,**

**Respondent,**

**and**

**MICHELLE LUJAN GRISHAM, in her  
official capacity as GOVERNOR of the  
State of New Mexico,**

**Real Party in Interest.**

**DECLARATION OF STEPHANIE M. RODRIGUEZ**

1. I am over the age of eighteen, I am of sound mind, and I am not otherwise disqualified from making this Declaration. The matters stated below are based on my own personal knowledge.

2. I am currently the Cabinet Secretary for the Higher Education Department (“HED”).

3. During the 2025 Special Legislative Session, House Bill 1 appropriated \$5,560,962 to the Department of Finance and Administration for educational television

and public radio in response to recent federal cuts. House Bill 1 also appropriated \$429,527 to the Indian Affairs Department for educational television and public radio provided by and for Indian nations, tribes and pueblos. Much of these funds will go to television and radio stations that are run by universities or colleges. These appropriations contained language that directed that the funds be expended in Fiscal Years 2026 and 2027 and further provided that any unexpended funds would revert to the general fund at the end of fiscal year 2027.

4. In addition to these appropriations, House Bill 1 appropriated \$450,000 to the New Mexico State University for expenditure in fiscal year 2026 for the university's college assistance program to provide post-secondary educational needs of United States citizens and permanent legal residents who worked as migratory seasonal farmworkers, dairy workers and ranch workers. This appropriation contained language that provided that any unexpended funds would revert to the general fund at the end of fiscal year 2026.

5. HED recommended that the Governor issue line-item vetoes to remove the reversion-date and fiscal-year restrictions attached to these appropriations.

6. HED made this recommendation to provide greater flexibility and ensure that the funds could be spent according to the *federal* fiscal year—October 1 through September 30—rather than New Mexico's *state* fiscal year of July 1 through June 30. Aligning expenditures to the federal fiscal year promotes continuity of funding and

program planning for institutions that rely on federal grants or operate on federal timelines.

7. This alignment will allow educational institutions and programming partners to responsibly utilize the funds in a manner that supports long-term financial stability, strategic planning, and sustainable program development. It will strengthen the ability of educational television and public radio stations, as well as higher education institutions, to build programs with greater impact, achieve better outcomes for New Mexicans, and expand capacity for innovation and growth in production and services.

8. Providing flexibility beyond a single state fiscal year or two also reduces the burden of repeated grant application cycles and constant grant administration. When funding is not constrained to short expenditure windows or imminent reversion risks, staff can focus their time on delivering programming, services, and educational content rather than continuous grant writing or administrative work to meet state-year deadlines.

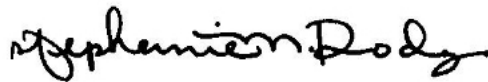
9. In addition, contracts for programming, production services, or educational initiatives often do not align neatly within a single fiscal year. Allowing institutions access to funding that may span multiple fiscal periods ensures that contractual obligations can be met, vendors and partners can be paid timely for

completed work, and essential services are not disrupted due to timing gaps or reversion requirements.

10. Even though HED recommended that the Governor veto the time-constraints and reversionary language in Sections 3 and 6 to provide greater flexibility in timing the spending, it is possible all the appropriated funds will be spent within the timeline originally set by the Legislature. Indeed, the line-item vetoes may allow educational institutions and programming partners to spend the money even faster if they desire (e.g., by entering into contract that extends beyond the fiscal year listed in the appropriations).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on November 6, 2025, in Bernalillo  
County, New Mexico.

A handwritten signature in black ink, appearing to read "Stephanie M. Rodriguez". The signature is fluid and cursive, with the first name "Stephanie" written in a larger, more prominent script than the last name "Rodriguez".

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STEPHANIE M. RODRIGUEZ