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OFFICE OF
SECRETARY OF STATE

State of New Mexico

Susana Martinez
Governor

March 7, 2018

HOUSE EXECUTIVE MESSAGE NO. 149

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:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return HOUSE BILL 160, enacted by the Fifty-Third Legislature, Second Session, 2018.

As I have said previously, although I understand the intent of this legislation and support meaningful efforts to reduce recidivism, this bill is unnecessary and burdensome. The Behavioral Health Services Division of the Human Services Department ("BHSD") already provides the types of services contemplated by House Bill 160 ("HB 160") to many justice-involved adults. Additionally, the broad, undefined language utilized in HB 160—combined with the requirement that the BHSD create, implement, and continually evaluate a statewide framework—results in an unfunded mandate on the BHSD.

Respectfully yours,

Susana Martinez
Governor

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Time: 10:18 a.m. p.m.
Date: March 7th, 2018

By Secretary of State

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The Honorable Brian Egolf, Jr.

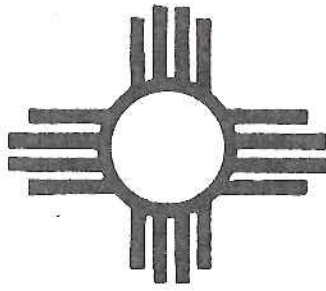
March 7, 2018

Page 2

Time: _____ a.m. p.m.

Date: _____, 2018

By _____
Chief Clerk of the House



The Legislature
of the
State of New Mexico

53rd Legislature, 2nd Session

LAWS 2018

CHAPTER _____

HOUSE BILL 160

Introduced by

REPRESENTATIVE SHERYL WILLIAMS STAPLETON

REPRESENTATIVE MIGUEL P. GARCIA

REPRESENTATIVE ANTONIO MAESTAS

REPRESENTATIVE GAIL CHASEY

REPRESENTATIVE DAYMON ELY



VETOED

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AN ACT

RELATING TO BEHAVIORAL HEALTH; PROVIDING FOR INTERVENTIONS FOR NONVIOLENT OFFENDERS WHO HAVE BEHAVIORAL HEALTH DIAGNOSES IN WAYS LIKELY TO REDUCE RECIDIVISM, DETENTION AND INCARCERATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 9-8-7.1 NMSA 1978 (being Laws 2007, Chapter 325, Section 4) is amended to read:

"9-8-7.1. BEHAVIORAL HEALTH SERVICES DIVISION--POWERS AND DUTIES OF THE HUMAN SERVICES DEPARTMENT.--Subject to appropriation, the department shall:

A. contract for behavioral health treatment and support services, including mental health, alcoholism and other substance abuse services;

B. establish standards for the delivery of behavioral health services, including quality management and improvement, performance measures, accessibility and availability of services, utilization management, credentialing and recredentialing, rights and responsibilities of providers, preventive behavioral health services, clinical treatment and evaluation and the documentation and confidentiality of client records;

C. ensure that all behavioral health services, including mental health and substance abuse services, that

1 are provided, contracted for or approved are in compliance
2 with the requirements of Section 9-7-6.4 NMSA 1978;

3 D. assume responsibility for and implement adult
4 mental health and substance abuse services in the state in
5 coordination with the children, youth and families
6 department;

7 E. for nonviolent adult and juvenile offenders who
8 have behavioral health diagnoses, create, implement and
9 continually evaluate the effectiveness of a framework for
10 targeted, individualized interventions that address those
11 persons' behavioral health needs and connect them to
12 resources and services that reduce the likelihood of
13 recidivism, detention and incarceration, such as supportive
14 housing, public assistance, medical assistance, behavioral
15 health therapy and employment training;

16 F. establish criteria for determining individual
17 eligibility for behavioral health services; and

18 G. maintain a management information system in
19 accordance with standards for reporting clinical and fiscal
20 information."

21 SECTION 2. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2018. _____

s/Brian Egolf
Brian Egolf, Speaker
House of Representatives

s/Lisa M. Ortiz McCutcheon
Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

s/John A. Sanchez
John A. Sanchez, President
Senate

s/Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

Approved by me this _____ day of _____, 2018

s/Susana Martinez
Susana Martinez, Governor
State of New Mexico