

**VETO MESSAGES OF HOUSE BILLS**  
**FORTY-THIRD LEGISLATURE**  
**FIRST SESSION**

**H 17 DRIVE-UP WINDOW SALES LOCAL OPTION**

April 11, 1997

**HOUSE EXECUTIVE MESSAGE NO. 70**

I have this day VETOED and am returning HOUSE BILL 17, as amended, enacted by the Forty-Third Legislature, First Session, 1997.

This legislation would have given county and city commissions discretion to call for a special election on the question of whether drive-up liquor windows should be closed. However, it would also allow the liquor licensee whose window is closed after the election, or who voluntarily closes his window, to apply for and receive a "compensating" liquor license. Those compensating licenses may also be transferred once, to any local option district within the state. Thus, this bill has the potential of allowing approximately 250 new liquor stores to open in the state. Currently, only drive-up windows which were operating on July 1, 1981 may remain open and no new windows may be approved.

I would support a bill allowing the voters to decide whether to close drive-up windows within their districts. However, this bill is seriously flawed because of its potential to increase the number of liquor stores in the state.

**H 82 CHILD FATALITY REVIEW TEAM**

April 9, 1997

**HOUSE EXECUTIVE MESSAGE NO. 36**

I have this day VETOED and am returning HOUSE BILL 82, as amended, enacted by the Forty-Third Legislature, First Session, 1997.

This legislation creates the Child Fatality Review Team consisting of representatives from the

Department of Health, the Office of Medical Investigator, the State Department of Education, the Children, Youth and Families Department, the University of New Mexico School of Medicine, the Office of Indian Affairs, the Department of Public Safety, a statewide organization of District Attorneys, a statewide organization of physicians and a statewide child advocacy organization. The purpose of the team would be to monitor trends and conduct analyses regarding the causes of and the factors that contribute to child fatalities.

Child fatality is a serious and pressing issue in New Mexico. I share the concerns reflected in House Bill 82 but creating a Child Fatality Review Team in statute is not necessary when the purpose can be accomplished administratively. Both the Children, Youth and Families Department and the Department of Health will continue to monitor child fatality trends and coordinate with other state agencies and organizations in New Mexico to analyze the causes of and contributing factors to child fatalities in an effort to combat this serious issue.

## **H 154 ALCOHOL FRANCHISE AGREEMENTS**

March 19, 1997

### **HOUSE EXECUTIVE MESSAGE NO. 12**

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I have this day VETOED and am returning HOUSE BILL 154, as amended, enacted by the Forty-Third Legislature, First Session, 1997.

This legislation amends the franchise provisions of the Liquor Control Act to require a "successor supplier" to continue to provide the same brands of liquor to the same wholesaler who had those brands in the state.

This bill places an unreasonable restriction on the ability of suppliers and wholesalers to freely contract with each other by mandating that any successor supplier use the wholesaler of the previous supplier.

Current law already prohibits a supplier from terminating a franchise agreement without "good cause." Furthermore, suppliers are currently prohibited from unilaterally, transferring brands to another wholesaler, without good cause or a violation of the contract. Therefore, the restrictions of this bill are unnecessary.