



State of New Mexico

RECEIVED
13 MAR 13 AM 11:15
OFFICE OF
SECRETARY OF STATE

Susana Martinez
Governor

March 13, 2013

HOUSE EXECUTIVE MESSAGE NO. 3

The Honorable W. Ken Martinez and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501

Honorable Speaker Martinez 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 593 enacted by the Fifty-First Legislature, First Session, 2013.

House Bill 593 creates a new section in the New Mexico Tax Code to allow a class B county (with a population between 40,000 and 45,000 people) to impose a property tax for the purpose of acquiring, constructing, renovating or improving a facility of a four-year, post-secondary institution located in the county and the acquisition of or improvement to the land for that facility. The tax would be subject to voter approval.

Given the bill's specificity, and its seeming application to only Rio Arriba County and Northern New Mexico College, I am concerned by the precedent that could be set by signing House Bill 593 as doing so could be misconstrued as support for amending our state's tax code at any time it becomes challenging to identify a steady stream of funding for individual projects. Equally as concerning, overly prescriptive language governing this tax would require a change in statute contingent upon population growth.

Furthermore, the bill allows the decision to approve a ballot question to be made by the county commission without state review and approval, thereby exempting them from long-standing statutes and code regulating the capital outlay process. Current state statutes (NMSA 21.1.21 Capital Expenditures and NMSA 21.1.26 Higher Education Department: General Powers) related to planning for funding significant postsecondary education infrastructure needs, requires capital projects be submitted to the New Mexico Higher Education Department. House bill 593 would also conflict with New Mexico Administrative Codes, 5.3.9 Capital Budgets – Planning and Funding Recommendations and 5.3.10 Capital Projects, which require review and approval by New Mexico Higher Education Department.

HOUSE EXECUTIVE MESSAGE NO. 3
The Honorable W. Ken Martinez
March 13, 2013
Page 2

If area lawmakers wish to enhance investments in Northern New Mexico, I suggest they pursue the New Mexico Higher Education Department's annual capital project hearing process in August. Other funding sources include general obligation bonds, severance tax bonds, and lending institutions such as New Mexico Finance Authority (NMFA).

Respectfully yours,



Susana Martinez
Governor

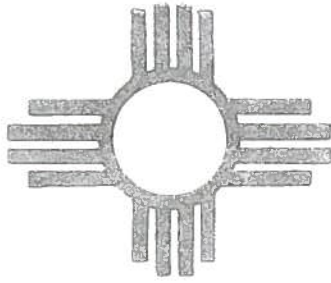
RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 11:15 a.m. p.m.
Date: March 13, 2013

By Billy Velard
Secretary of State

Time: _____ a.m. p.m.
Date: _____ 2013

By _____
Chief Clerk of the House



The Legislature
of the
State of New Mexico

51st Legislature, 1st Session

LAWS 2013

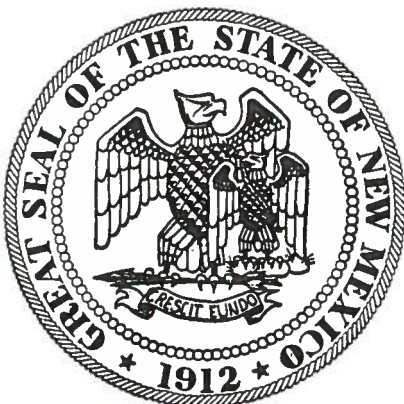
CHAPTER _____

HOUSE BILL 593

Introduced by

REPRESENTATIVE NICK L. SALAZAR

REPRESENTATIVE DEBBIE A. RODELLA



VETOED

1 AN ACT
2 RELATING TO TAXATION; AUTHORIZING CERTAIN COUNTIES TO IMPOSE A
3 PROPERTY TAX FOR COUNTY HIGHER EDUCATION FACILITIES.
4

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

6 SECTION 1. A new section of the Property Tax Code is
7 enacted to read:

8 "TAX LEVY AUTHORIZATION--PROCEDURES--COUNTY HIGHER
9 EDUCATION FACILITIES.--

10 A. A board of county commissioners may adopt a
11 resolution to submit to the qualified electors of the county
12 the question of whether a property tax at a rate not to exceed
13 the rate specified in the resolution should be imposed upon
14 the net taxable value of property allocated to the county
15 under the Property Tax Code for the purpose of acquiring,
16 constructing, renovating or improving a facility of a four-
17 year post-secondary institution located in the county and the
18 acquisition of or improvement to land for that facility.

19 B. The resolution shall specify the rate of the
20 proposed tax, which shall not exceed one dollar fifty cents
21 (\$1.50) on each one thousand dollars (\$1,000) of net taxable
22 value of property allocated to the county under the Property
23 Tax Code and shall:

24 (1) specify the date on which the election
25 upon the question of imposition of the tax will be held, which

1 may be a general election or a special election called for
2 that purpose, except that the election shall not be held on
3 the same ballot as an election held pursuant to Section
4 4-48B-15 NMSA 1978; and

5 (2) limit the imposition of the proposed tax
6 to no more than eight years.

7 C. The question shall be voted upon as a separate
8 question and shall be called, conducted and canvassed in
9 substantially the same manner as provided by law for general
10 elections. Upon certification, copies of the election shall
11 be mailed immediately to the department of finance and
12 administration and the taxation and revenue department.

13 D. For the purposes of this section, "county"
14 means a class B county with a population of no less than forty
15 thousand and no more than forty-five thousand according to the
16 last federal decennial census.

17 E. The mill levy authorized in this section is not
18 subject to the rate limitation provisions of Section 7-37-7.1
19 NMSA 1978 and shall not be used to meet a county's obligations
20 pursuant to Section 27-10-4 NMSA 1978."

21
22
23
24
25

0 1 10 10 1000
0031173 11 01115-73
2000/05/05

S/ W. KEN MARTINEZ
W. KEN MARTINEZ, SPEAKER
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS
STEPHEN R. ARIAS, 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 _____, 2013

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

2013 JUN 11 5:18:43

100-101