

March 12, 2014

SENATE EXECUTIVE MESSAGE NO. 117

The Honorable Mary Kay Papan, President Pro Tempore and
Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

Honorable President Pro Tempore Papan and Members of the Senate:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return SENATE BILL 38, as amended, enacted by the Fifty-First Legislature, Second Session, 2014.

Senate Bill 38 would remove 50 percent of the funds that would otherwise go to the Traffic Safety Bureau (TSB) to prevent and reduce DWI in New Mexico and divert them to the Administrative Office of the Courts capital fund.

This legislation further removes the responsibility from the New Mexico Finance Authority (NMFA) to determine the amount necessary to reserve in the Metropolitan Court Bond Guarantee Fund (MCBGF) each year and instead requires the NMFA to hold at least one year's bond payment.

Since enactment of the MCBGF in 2008, the NMFA reports that there has not been a single instance in which the Court Facilities Fund has been insufficient to meet the needs of the bond payment for the Metro Court facility. Now that the red light cameras are no longer active, there is a heightened need for careful consideration to establish how much money should be kept in reserve. This determination should be made by the NMFA, not by an arbitrary and inflexible formula in statute.

Rather than create a new alternative use of the MCBGF, I am asking the NMFA Board to determine the sufficient reserve amount to be held in the MCBGF and transfer any remaining balance in full to the TSB for statewide efforts to prevent and reduce DWIs, as the law was originally intended.

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Respectfully yours,



Susana Martinez
Governor

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Time: _____ a.m. p.m.
Date: _____, 2014

By _____
Secretary of State

Time: _____ a.m. p.m.
Date: _____, 2014

By _____
Chief Clerk of the Senate