

March 12, 2014

SENATE EXECUTIVE MESSAGE NO. 121

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

Honorable President Pro Tempore Papen 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 84, as amended, enacted by the Fifty-First Legislature, Second Session, 2014.

Senate Bill 84 seeks to extend the expiration of a sunset provision on the four dollar magistrate courts operations fee an additional five years. Furthermore, the magistrate courts operations fund is currently scheduled to dissolve on July 1, 2014. This legislation seeks to make that fund permanent, and maintain all monies in the magistrate courts operations fund that should revert to the general fund.

In the past, operational costs for the magistrate courts were supported through the general fund. The magistrate courts operations fee was set up in 2010 in order to help fund the operations of the magistrate courts in a time when all state-funded agencies were being negatively affected by the recession and the largest structural deficit in state history. This fee was created with a sunset provision so that it could be re-evaluated when the State was in a better financial position and the general fund had recovered.

Now that the State is on firmer fiscal footing, the magistrate courts should return to their traditional funding mechanism. Magistrate operations should be funded through the general fund, not by continuing to impose unnecessary fees on New Mexicans.

Additionally, magistrate courts, and courts as a whole, have continued to see significant increases in their operating budgets since 2012, outpacing budget increases for public safety and education. We have worked hard to bring our state back into a healthy, stable financial position. I see no reason to continue imposing this four dollar fee on New Mexicans when we can support operational costs for the magistrate courts using available general funds. For these reasons, I cannot support Senate Bill 84.

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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