

March 13, 2013

SENATE EXECUTIVE MESSAGE NO. 21

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

Dear 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 EDUCATION COMMITTEE SUBSTITUTE FOR SENATE BILL 147, as amended enacted by the Fifty-First Legislature, First Session, 2013.

Senate Bill 147 provides for an expanded use of property tax revenues under the Public School Capital Improvements Act (SB-9) and the Public School Buildings Act (HB-33). Unfortunately, this expansion of use gives those districts with a larger tax base significantly more resources to provide education technology to students while leaving those districts with a low tax base behind.

Additionally, this expanded use for education technology allows those districts with more resources to shift funds that would normally be used to purchase educational technology to shift costs out of their operational budget making more resources available per student. A similar inequity was the basis for the original Zuni lawsuit that resulted in the Legislature committing all of the State's annual revenue from supplemental severance tax bonds to school construction and the development of a standards based awards process. This bill implicates many of the same concerns of the Zuni lawsuit and creates a system of inequality that goes against the fundamental tenets of fairness and equity in our education system.

It is important to note that these revenue sources are bond-generated and sold for a specific period of time. Therefore, by expanding the allowable uses of tax dollars generated in connection with the Public School Buildings Act and the Public School Capital Improvements Act, certain purchases could be made that would actually be obsolete well before the bond matures, leaving the State to continue paying for equipment that is no longer useful to our students' classroom learning.

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Respectfully yours,

Susana Martinez

Governor

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Time: _____ a.m. p.m.

Date: _____ 2013

By _____
Secretary of State

Time: _____ a.m. p.m.

Date: _____ 2013

By _____
Chief Clerk of the Senate