

March 12, 2014

SENATE EXECUTIVE MESSAGE NO. 122

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 320, enacted by the Fifty-First Legislature, Second Session, 2014.

Senate Bill 320 would codify portions of existing regulations regarding the transportation of public school students, but would only apply to those districts with at least 75% Native American students. Only four school districts in the entire state would fall under this new law creating separate standards and procedures for some school districts based on their racial composition. These race-specific provisions may violate the Constitutions of the United States and the State of New Mexico.

In addition, Senate Bill 320 has technical deficiencies that would create confusion and uncertainty in its application. Creating a statutory process for only a few districts without providing for the others creates significant regulatory concerns and could leave the majority of districts with no guidance on school transportation boundary agreements. The policy considerations that govern school transportation agreements, including student safety and practical considerations, are better addressed by existing public education regulations which are applicable to all school districts. I cannot sign Senate Bill 320 because of these flaws.

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