## April 10, 2009

## Revised SENATE EXECUTIVE MESSAGE NO. 33

The Honorable Timothy Z. Jennings, President Pro Tempore and Members of the New Mexico State Senate State Capitol Building Santa Fe. NM 87501

Dear President Pro Tempore Jennings and Members of the Senate:

I have SIGNED:

SENATE FINANCE COMMITTEE SUBSTITUTE FOR SENATE BILL 378, with emergency clause, which was enacted during the Forty-Ninth Legislature, First Session, 2009, except the following item or items, part or parts, which I hereby veto pursuant to the authority granted me in Article IV, Section 22 of the Constitution of New Mexico:

On page 1, line 5, I have vetoed beginning with "TO" through the end of the line, on line 6, I have vetoed from the beginning of the line through the ",", and the text "IMPROVEMENTS TO", and on line 7, I have vetoed from the beginning of the line through the first "AND".

On page 12, I have vetoed all of lines 9 through 13.

On page 13, I have vetoed all of line 25, on page 14, I have vetoed all of lines 1 through 25, and on page 15, I have vetoed all of lines 1 through 9, being all of Section 4.

On page 15, line 19, I have vetoed the text "22-24-4.5,".

On page 17, line 10, I have vetoed the text "or (11)".

On page 20, line 9, I have vetoed the text "or (11)".

On page 28, I have vetoed the text "; and" on line 5, I have vetoed all of lines 6 through 20, and I have vetoed from the beginning of line 21 through "money".

On page 35, I have vetoed all of lines 3 through 25, on page 36, I have vetoed all of lines 1 through 25, and on page 37, I have vetoed all of line 1, being all of Section 7.

I issue this REVISED SENATE EXECUTIVE MESSAGE NO. 33 to clarify my intent regarding this bill, which was inadvertently misrepresented by virtue of a ministerial error contained in SENATE EXECUTIVE MESSAGE NO. 33. That error suggested that I had intended to veto all of Section 2 of the Senate Finance Committee Substitute for Senate Bill 378, which appears on pages 3 through 12. Instead, as noted above, I intended to veto only a small part of Section 2, in addition to Section 4, Section 7, and various other references related to those proposed amendments.

I have exercised my constitutional authority to line item veto Senate Finance Committee Substitute for Senate Bill 378 in order to preserve the purpose of the Public School Capital Outlay Act, which is to ensure a standards-based, equitable distribution of capital to New Mexico's schools so that our students can learn in safe, functional, and durable school facilities. The majority of the amendments made by the Legislature in Senate Finance Committee Substitute for Senate Bill 378, such as extending the period of time in which expenditures may be allocated for roof repair and replacement, improve existing law and are harmonious with the original purpose of the Act. In contrast, the provisions that I have vetoed would have allowed for funding of projects above current statewide adequacy standards, which would have the unfortunate result of delaying other projects at schools that have not yet reached adequacy standards. This, I believe, is contrary to the standards-based process that has proven to be so successful. Diverting money from projects needed to bring schools to adequacy standards is particularly questionable in times such as these, when capital outlay dollars are scarce. For these reasons, I have vetoed certain provisions of this bill as specified above.

Respectfully yours,

Bill Richardson Governor

## RECEIVED FROM THE OFFICE OF THE GOVERNOR:

Time: Date:	 _a.m./p.m. _2009	by:	
			Chief Clerk of the Senate
Time: Date:	 _a.m./p.m. _2009	by:	
			Secretary of State