

March 9, 2010

SENATE EXECUTIVE MESSAGE NO. 97

The Honorable Timothy Z. Jennings  
President Pro Tempore  
New Mexico Senate  
State Capitol Bldg.  
Santa Fe, NM 87501

Honorable President Pro Tempore Jennings and Members of the Senate:

I have this day SIGNED:

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR SENATE BILL 1, as amended, which was enacted during the Forty-Ninth Legislature, Second Session, 2010.

However, I want to express to the Legislature some concerns I have about the bill that result from an amendment to the bill as originally drafted. The New Mexico Activities Association is a private, non-profit organization and therefore cannot be mandated by the government to promulgate rules. Hence, if the New Mexico Activities Association chooses to take part in the rule-making process, the Public Education Department (“PED”) should actively participate in promulgating any proposed rules, as PED is the appropriate department to do so. Such duplicative efforts may cause implementation delays. Further, the amendment also classified a practicing athletic trainer licensed pursuant to the provision of the Athletic Trainer Practice Act, as a licensed health care professional. While in many cases this may be appropriate, when dealing with such a serious injury, as a brain injury, there are real concerns as to the liability this classification opens schools up to, especially if a student athlete is released by a practicing athletic trainer and then becomes reinjured upon returning to a school athletic activity.

Given those caveats, I recognize the importance of signing into law safety protocols and education regarding brain injuries resulting from school athletic activities. This legislation will prohibit coaches from allowing student athletes to participate in school athletic activities for one week after a student athlete receives a brain injury, so long as the student is no longer exhibiting signs of injury and they are released by a licensed health care professional.

This legislation is a start to protecting New Mexico's student athletes.

Respectfully yours,

Bill Richardson  
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR:

Time: \_\_\_\_\_ a.m./p.m.      by:  
Date: \_\_\_\_\_ 2010

\_\_\_\_\_  
Secretary of State

Time: \_\_\_\_\_ a.m./p.m.      by:  
Date: \_\_\_\_\_ 2010

\_\_\_\_\_  
Chief Clerk of the Senate