

March 12, 2014

SENATE EXECUTIVE MESSAGE NO. 120

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 JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE BILL 252, enacted by the Fifty-First Legislature, Second Session, 2014.

I am a strong supporter of honesty and integrity in the sport of horse racing in New Mexico and of ensuring the safety of both jockeys and horses. Since taking office, my administration has taken several steps toward cracking down on those in the industry who undermine the integrity of the sport and the safety of those involved by using illegal substances to drug their horses or by employing other illegal means to gain a competitive advantage.

For example, under my administration, the New Mexico Racing Commission (Commission) has been nationally recognized as one of the first states to adopt stricter, uniform penalties and model regulations developed by the Association of Racing Commissioners International. I have supported increases to the Commission's budget that allow it to conduct more extensive testing of racehorses for illegal drugs. Because of these efforts, the Commission is testing more racehorses for a wider range of illegal drugs than ever before. I have signed into law a number of bills that have improved the integrity of the industry, including a bill that increased the civil penalties that can be imposed on licensees that violate the law from \$10,000 to \$100,000. This year, I was pleased to sign Senate Bill 116 which enables racetrack operators to eject individuals who have a suspended or revoked license for drugging their horses.

While I continue to support efforts to promote the integrity of the industry and swift punishment for those who cheat the system, I do not believe Senate Bill 252 (SB 252) will advance these efforts effectively. SB 252 attempts to change the current procedure used by the Commission for prosecuting offenders. However, this change contains a

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number of flaws. SB 252 creates a new procedure that takes critical functions and authority away from the Commission which has extensive expertise on these issues. It also limits the Commission's authority in enforcing penalties, and gives too much power and less accountability to one hearing officer. In addition, creating a right to appeal in statute could result in greater delays in prosecution and in imposing the penalties that the Commission has worked so hard to adopt. SB 252 also establishes an expensive new procedure, which will cost the Commission a considerable amount of money that could be better spent testing racehorses in order to catch wrongdoers.

I have received a substantial response to the passage of this bill, and virtually all of it has been in strong opposition. I have received responses from organizations such as the Jockeys' Guild and the New Mexico Horse Breeders' Association, as well as from others inside and outside of the industry who support and work toward a stronger and more ethical racing climate in the state. The concerns they have expressed are valid.

While I cannot sign SB 252, I encourage the Commission and all members of the racing community to continue looking for ways to improve the sport of horse racing in New Mexico.

Respectfully yours,

Susana Martinez

Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: _____ a.m. p.m.

Date: _____, 2014

By _____
Secretary of State

Time: _____ a.m. p.m.

Date: _____, 2014

By _____
Chief Clerk of the Senate