

November 12, 2009

SENATE EXECUTIVE MESSAGE NO. 3

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

Dear President Pro Tempore Jennings and Members of the Senate:

I have this day SIGNED:

SENATE BILL 29, with emergency clause

enacted by the Forty-Ninth Legislature, First Special 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 60, I have vetoed all of lines 4 through 6.

On page 61, I have vetoed all of lines 12 through 14.

On page 62, I have vetoed all of lines 2 through 10.

On page 63, I have vetoed all of lines 6 through 9.

On page 63, I have vetoed all of lines 15 through 25, and on page 64, I have vetoed all of lines 1 through 3.

On page 64, I have vetoed all of lines 22 through 25, and on page 65, I have vetoed all of lines 1 through 2.

On page 66, I have vetoed all of lines 4 through 8.

On page 67, I have vetoed all of lines 10 through 13.

On page 68, I have vetoed all of lines 7 through 12.

On page 69, I have vetoed all of lines 7 through 12.

On page 70, I have vetoed all of lines 1 through 4.

On page 72, I have vetoed all of lines 15 through 20.

On page 74, I have vetoed all of lines 19 through 23.

On page 75, I have vetoed all of lines 15 through 22.

On page 76, I have vetoed all of lines 9 through 12.

On page 80, I have vetoed all of line 25, and on page 81, I have vetoed all of lines 1 through 4.

On page 81, I have vetoed all of lines 24 through 25, and on page 82, I have vetoed all of lines 1 through 3.

On page 83, I have vetoed all of lines 9 through 13.

On page 84, I have vetoed all of lines 1 through 5.

On page 86, I have vetoed all of lines 5 through 8.

On page 86, I have vetoed all of lines 18 through 21.

On page 87, I have vetoed all of lines 1 through 5.

On page 88, I have vetoed all of lines 4 through 16.

On page 88, I have vetoed all of lines 21 through 24.

On page 89, I have vetoed all of lines 3 through 6.

On page 90, I have vetoed all of lines 5 through 9.

On page 94, I have vetoed all of lines 23 through 25, and on page 95, I have vetoed all of lines 1 through 19.

On page 95, I have vetoed all of lines 24 through 25, and on page 96, I have vetoed all of lines 1 through 3.

On page 96, I have vetoed all of lines 9 through 22.

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On page 97, I have vetoed all of lines 14 through 17.

On page 98, I have vetoed all of lines 5 through 8.

On page 98, I have vetoed all of lines 22 through 25, and on page 99, I have vetoed all of lines 1 through 6.

On page 99, I have vetoed all of lines 20 through 25, and on page 100, I have vetoed all of lines 1 through 4.

On page 100, I have vetoed all of lines 20 through 24.

Given the State's critical financial situation it would be imprudent to provide continued severance tax bond funding to capital projects that have made little to no progress using their original general fund appropriations, which in some cases are several years old. Many of the general fund capital appropriations contained in this bill were for projects that were identified by state agencies as having made little to no progress since the date of the original appropriation. There is no reason to believe that providing new severance tax bond appropriations with extended expiration dates will result in immediate progress given the history of these particular projects.

For this reason, I am vetoing certain severance tax bond appropriations for projects that meet the following criteria:

- General fund capital appropriations that lack legally binding third-party contracts are vetoed without the impairment of any third-party contracts.
- General fund capital appropriations for projects that were deemed inadequately funded and unable to be initiated or completed were vetoed so that the State can put available severance tax bonding capacity to immediate use in the upcoming Legislative Session.
- Certain general fund capital appropriations, although worthy and justified when originally appropriated, have stagnated for various reasons and are not prepared for implementation.
- General fund capital appropriations for projects that have constitutional concerns.

My capital outlay projects were subject to the same level of review, and I have vetoed several appropriations for my own projects in order to put our limited state funds to the best possible use.

In vetoing the severance tax bond appropriations for these projects, I am freeing up an additional \$11.6 million in severance tax bonding capacity, which will be available for appropriation during the 2010 Regular Session.

