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OFFICE OF
SECRETARY OF STATE

State of New Mexico

Susana Martinez
Governor

March 17, 2015

HOUSE EXECUTIVE MESSAGE NO. 2

The Honorable Don L. Tripp, Speaker of the House and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501

Honorable Speaker Tripp and Members of the House:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return HOUSE BILL 379 enacted by the Fifty-Second Legislature, First Session, 2015.

House Bill 379 requires the New Mexico Racing Commission (Commission) to follow the guidelines for testing racehorse specimens, such as blood serum plasma, urine, or other appropriate tests as established in the Model Rules published by the Association of Racing Commissioners International (ARCI).

Even without this legislation, the Commission procedures already meet or exceed the standards set by the ARCI. In fact, last year, the ARCI recognized the excellence achieved by the Commission awarding its Executive Director the President's Award for Exemplary Service.

Additionally, New Mexico statutes already require that samples collected from racehorses be tested at laboratories that meet standards established by the ARCI, and require testing samples for unauthorized drugs, chemicals, stimulants, depressants, and other performance-altering substances as defined by the ARCI.

Language in this bill also weakens standards by not allowing for the commission to adopt regulations that exceed the ARCI rules. For these reasons, I find that this legislation is unnecessary and potentially detrimental, and I hereby veto House Bill 379.

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The Honorable Don L. Tripp

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Respectfully yours,



Susana Martinez
Governor

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Time: _____ a.m. p.m.

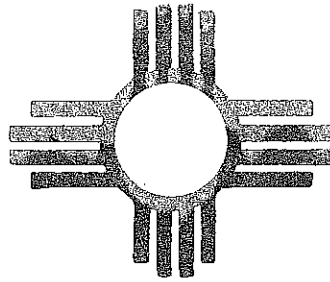
Date: _____, 2015

By _____
Secretary of State

Time: _____ a.m. p.m.

Date: _____, 2015

By _____
Chief Clerk of the House



The Legislature of the State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER _____

HOUSE BILL 379

VETOED

Introduced by

REPRESENTATIVE CANDY SPENCE EZZELL

REPRESENTATIVES BEALQUIN BILL GOMEZ, DOREEN Y. GALLEGOS,
CHRISTINE TRUJILLO, ELISEO LEE ALCON,
LUCIANO "LUCKY" VARELA, RANDAL S. CROWDER,
ROD D. MONTOYA, LARRY R. SCOTT,
JAMES R. J. STRICKLER, NORA ESPINOZA,
SHARON CLAHCHISCHILLIAGE, RICK LITTLE,
GEORGE DODGE, JR., W. KEN MARTINEZ,
PAUL C. BANDY, STEPHANIE MAEZ,
ANDREW "ANDY" NUÑEZ, ZACH J. COOK,
DAVID M. GALLEGOS AND
ROBERTO "BOBBY" J. GONZALES



1 AN ACT
2 RELATING TO HORSE RACING; REQUIRING THE TESTING FOR DRUGS AND
3 OTHER FOREIGN SUBSTANCES IN RACEHORSES TO FOLLOW
4 INTERNATIONALLY RECOGNIZED MODEL RULES; RECONCILING
5 CONFLICTING AMENDMENTS TO THE SAME SECTION OF LAW BY REPEALING
6 LAWS 2013, CHAPTER 102, SECTION 2.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 SECTION 1. Section 60-1A-14 NMSA 1978 (being Laws 2007,
10 Chapter 39, Section 14, as amended by Laws 2013, Chapter 102,
11 Section 2 and by Laws 2013, Chapter 103, Section 3) is amended
12 to read:

13 "60-1A-14. TESTING SPECIMENS.--

14 A. The commission shall adopt rules applying to
15 the handling of pre- and post-race, out-of-competition and
16 necropsy testing of blood serum plasma, urine or other
17 appropriate test samples identified by the commission to be
18 taken from racehorses, following the guidelines established in
19 model rules published by the association of racing
20 commissioners international, incorporated, or a successor
21 organization or, if none, by another nationally recognized
22 organization that has published substantially similar
23 guidelines that are generally accepted in the horse racing
24 industry as determined by the commission.

25 B. Each specimen taken from a racehorse shall be

1 divided into two or more equal samples, and:

2 (1) one sample shall be tested by the
3 commission or its designated laboratory in order to detect the
4 presence of unauthorized drugs, chemicals, stimulants,
5 depressants or other performance-altering substance as defined
6 by the association of racing commissioners international,
7 incorporated, or a successor organization or, if none, by
8 another nationally recognized organization that has published
9 substantially similar guidelines that are generally accepted
10 in the horse racing industry as determined by the commission;
11 and

12 (2) the second sample shall be forwarded by
13 the commission to the scientific laboratory division of the
14 department of health.

15 C. After a positive test result on the sample
16 tested by the commission or its designated laboratory and upon
17 a written request from the president, executive director or
18 manager of the New Mexico horsemen's association on forms
19 designated by the commission, the scientific laboratory
20 division shall transmit the corresponding second sample to the
21 New Mexico horsemen's association.

22 D. The scientific laboratory division shall keep
23 all samples in a controlled environment for a period of at
24 least three months.

25 E. The commission shall contract with an

1 independent laboratory to maintain a quality assurance
2 program. The laboratory shall meet or exceed the current
3 national laboratory standards for the testing of drugs or
4 other foreign substances in a horse, as established by the
5 association of racing commissioners international,
6 incorporated, or of a successor organization or, if none, of
7 another nationally recognized organization that has published
8 substantially similar guidelines that are generally accepted
9 in the horse racing industry."

10 SECTION 2. Section 60-1A-14.1 NMSA 1978 (being Laws
11 2013, Chapter 102, Section 1) is amended to read:

12 "60-1A-14.1. RACEHORSE TESTING FUND--CREATED--
13 PURPOSE.--The "racehorse testing fund" is created in the state
14 treasury. The purpose of the fund is to ensure the testing of
15 racehorses at a laboratory that meets or exceeds the current
16 national laboratory standards for the testing of drugs or
17 other foreign substances not naturally occurring in a horse,
18 as established by the association of racing commissioners
19 international, incorporated. The fund consists of one-half of
20 the daily capital outlay tax appropriated and transferred
21 pursuant to Paragraph (4) of Subsection A of Section 60-1A-20
22 NMSA 1978 and appropriations, gifts, grants and donations made
23 to the fund. Income from investment of the fund shall be
24 credited to the fund. The commission shall administer the
25 racehorse testing fund, and money in the fund is appropriated

1 to the commission for the handling of pre- and post-race, out-
2 of-competition and necropsy testing of blood serum plasma,
3 urine or other appropriate test samples taken from racehorses
4 pursuant to Section 60-1A-14 NMSA 1978, following the
5 guidelines established in model rules published by the
6 association of racing commissioners international,
7 incorporated, or a successor organization or, if none, by
8 another nationally recognized organization that has published
9 substantially similar guidelines that are generally accepted
10 in the horse racing industry as determined by the commission.
11 Any unexpended or unencumbered balance remaining in the
12 racehorse testing fund at the end of a fiscal year in excess
13 of six hundred thousand dollars (\$600,000) shall revert to the
14 general fund. Expenditures from the fund shall be made on
15 warrant of the secretary of finance and administration
16 pursuant to vouchers signed by the executive director of the
17 commission."

18 **SECTION 3. REPEAL.**--Laws 2013, Chapter 102, Section 2
19 is repealed. _____

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S/ DON TRIPP
DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES

S/ DENISE RAMONAS
DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ JOHN A. SANCHEZ
JOHN A. SANCHEZ, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this _____ day of _____, 2015

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO