

April 5, 2001

**SENATE EXECUTIVE MESSAGE NO. 78**

The Honorable Richard Romero and  
Members of the Senate  
Executive-Legislative Building  
Santa Fe, New Mexico 87503

Honorable President and Members of the Senate:

I have this day VETOED and am returning SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR SENATE BILL 763, with emergency clause, enacted by the Forty-Fifth Legislature, First Session, 2001.

Although it calls the tax by another name, this bill allows Albuquerque to raise its occupancy (lodgers') tax from 5 percent to a maximum of 6.25 percent. Half of the additional proceeds could be used to repay bonds issued to renovate or build a baseball stadium.

The occupancy tax is borne by lodgers at hotels, motels, rooming houses, lodges and similar establishments. Unlike the "stadium surcharge" imposed by House Bill 907 which I signed, this proposed tax increase has little if anything to do with use of the stadium. It cannot be characterized fairly as a user fee. I see little justification for shifting the burden of renovating or building a baseball stadium on the backs of lodgers.

I believe that New Mexicans are over-taxed. I have consistently sought lower tax rates and opposed proposed tax increases. The only exception I have made is for local option taxes where the voters of the jurisdiction may vote on the question of levying the tax.

Sincerely,

Gary E. Johnson  
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR:

Time: \_\_\_\_\_

Date \_\_\_\_\_

Time: \_\_\_\_\_

Date \_\_\_\_\_

By: \_\_\_\_\_  
Secretary of State

By: \_\_\_\_\_  
Chief Clerk of the Senate  
Sem64sb662v