

Delivery alert until NaN

Judge tosses 10 vetoes, says governor failed to follow rules

By Dan Boyd / Journal Capitol Bureau Chief

Published: Friday, August 11th, 2017 at 12:03pm
Updated: Friday, August 11th, 2017 at 9:37pm



From left, Deputy Secretary of State John Blair, Secretary of State Maggie Toulouse Oliver and House Speaker Brian Egolf, D-Santa Fe, talk as Paul Kennedy, attorney for the Governor's Office, leaves a 1st Judicial District courtroom Friday in Santa Fe. (Eddie Moore/Albuquerque Journal)

Judge Sarah Singleton agrees with Legislature over Gove...



SANTA FE — Bills dealing with industrial hemp, broadband and allowing computer science to count toward math and science requirements are on track to hit New Mexico's books, despite being vetoed in March by Gov. Susana Martinez.



First District Judge Sarah Singleton ruled that ten of Gov. Martinez' vetoes were unlawful. (Eddie Moore/Albuquerque Journal)

District Court Judge Sarah Singleton ruled today that the governor did not follow proper procedures in vetoing 10 bills — either because she took too long or did not provide an explanation with each vetoed piece of legislation.

Top-ranking lawmakers filed a lawsuit over the 10 vetoed bills in June, after a contentious 60-day legislative session in which the Democratic-controlled Legislature clashed frequently with the two-term Republican governor.

House Speaker Brian Egolf, D-Santa Fe, who attended today's court hearing, called the ruling a "win" for New Mexico farmers and schoolkids.



Gov. Susana Martinez

"It's about defending the Constitution," Egolf told reporters. "I don't think of it as a fight between political people."

In her order, the judge directed Secretary of State Maggie Toulouse Oliver to chapter the 10 bills in question into law once final paperwork is submitted. That's expected to take no more than three weeks.

The Governor's Office could also appeal the ruling, but it would be up to Singleton to decide whether to allow the bills to take effect or not before such an appeal could be heard.

Senate President Pro Tem Mary Kay Papen, D-Las Cruces, called on the governor not to file an appeal.

“We urge Governor Martinez to accept the court’s decision and allow the people of New Mexico to move on,” Papen said in a statement after today’s ruling.

Meanwhile, the ruling could set a veto precedent in New Mexico.

While Martinez’s attorneys had argued the state’s Constitution doesn’t require her to provide an explanation for every piece of vetoed legislation, Singleton ruled to the contrary.

She said constitutional language requiring a vetoed bill to be returned to the Legislature with by an objection must be strictly followed due to New Mexico’s short and often chaotic legislative sessions.

“To me, this section (of the Constitution) sets up a procedure that is mandatory and that must be followed,” Singleton said.

At a glance

Here is a list of some of the 10 bills in question:

Senate Bill 6 — Authorize growing of industrial hemp for research purposes.

Senate Bill 67 — Require that county treasurers be notified when tax increment development districts are formed.

House Bills 144, 154 & 280 — Establish industrial hemp research and development programs.

Senate Bill 134 — Add computer science to allowable math and science requirements for high school graduation.

Senate Bill 24 — Provide local governments with more leeway to expand broadband access.

House Bill 126 — Give financial aid preference to medical students or health care professionals who attended or are attending New Mexico institutions.

Contact the writer.