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NEW MEXICO SUPREME COURT ISSUES OPINION IN LINE-ITEM VETO CASE

SANTA FE, N.M. _ The New Mexico Supreme Court today released its opinion in *State ex rel. Cisneros v. Martinez,* a case involving the governor's line-item veto of appropriations for salary increases.

The opinion spells out the court's reasoning for an order issued in June providing for a 5 percent raise for state judges in the current fiscal year.

The court unanimously held there's broad discretion for the Legislature in how it establishes salaries in the state budget bill.

The governor vetoed an appropriation for a 3 percent salary increase and language indicating that the annual salary of the chief justice of the Supreme Court would be $134,922, which represented an 8 percent increase.

The governor maintained that the veto eliminated all pay increases for judges. However, the court concluded that the Legislature gave two raises _ 3 percent in one budget provision and an additional 5 percent in another section funding state courts.

The court upheld the governor's veto of the 3 percent raise but ruled that the 5 percent increase remained intact because the governor was required to veto both appropriations to eliminate all judicial salary increases.

“Nothing in the New Mexico Constitution requires the Legislature to make appropriations easy to veto by identifying each appropriation in a separate line or item in an appropriations act,” the court ruled.

By law, judicial salaries are based on how much the chief justice is paid. The court said the Legislature signaled its two-part approach to raises by including the salary figure in the budget provision that was vetoed by the governor.

“We will not speculate about the Legislature’s motive for choosing this particular method of providing the 5 percent raise. A clear effect of that choice, however, was to make the raise more challenging for the Governor to veto if she found it objectionable; she had to veto the entire appropriation,” the court ruled. “We are unable to find any legal basis to conclude that this amounted to legislative overreach, especially when the Governor had notice of the Legislature’s intent and when she had other tools in the political process at her disposal.”

The ruling is the latest in which the court during the past four decades has established legal guidelines concerning the governor’s partial veto powers.

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