

1 SENATE JOINT MEMORIAL 30

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

4 Linda M. Lopez

5
6
7
8
9
10 A JOINT MEMORIAL

11 REQUESTING THE LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF
12 FINANCE AND ADMINISTRATION TO FORM A COUNTY GOVERNANCE TASK
13 FORCE TO REVIEW EXISTING STATE LAWS AND RULES REGARDING COUNTY
14 GOVERNMENT AND THE POTENTIAL OF A COUNTY HOME RULE PROVISION.
15

16 WHEREAS, there are four class A counties in New Mexico
17 with populations over one hundred thousand persons; and

18 WHEREAS, all of these class A counties and their governing
19 bodies have unique and different needs that vary from the needs
20 of county governments in counties with smaller populations; and

21 WHEREAS, to function as efficiently and effectively as
22 possible, those class A counties require greater flexibility
23 and self-governance; and

24 WHEREAS, there is a statutory provision allowing
25 municipalities to engage in greater self-governance through

.188924.1

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 home rule charters; and

2 WHEREAS, no such statutory provision exists that allows
3 counties to engage in the same self-governance as
4 municipalities through home rule charters that would grant the
5 governing bodies of counties the flexibility to functionally
6 authorize greater self-governance within those counties; and

7 WHEREAS, there are perennial proposals to the legislature
8 that would provide for the enactment of special laws to give
9 specified class A counties select authority or exemptions from
10 statutes governing regulations, zoning, procurement and several
11 other issues that limit the flexibility of those governing
12 bodies and affect their ability to engage in effective self-
13 governance; and

14 WHEREAS, county governance has become more
15 professionalized and the governing bodies of counties have
16 become more accountable, organized and responsive to the needs
17 of county residents; and

18 WHEREAS, with increased professionalization,
19 accountability, organization and responsiveness in county
20 governance, the governing bodies of counties deserve the
21 flexibility and autonomy to functionally authorize greater
22 self-governance through home rule charters similar to those
23 available to municipal governments in New Mexico; and

24 WHEREAS, subjecting the governing bodies of counties to
25 all state laws and controls may not promote further

.188924.1

underscoring material = new
~~[bracketed material] = delete~~

1 professionalism, accountability, organization and
2 responsiveness in county government, and county government may
3 become less efficient and functional as a result;

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
5 STATE OF NEW MEXICO that the local government division of the
6 department of finance and administration be requested to form a
7 county governance task force to review existing state laws and
8 rules relating to county government and develop recommendations
9 regarding the potential of a county home rule provision; and

10 BE IT FURTHER RESOLVED that the task force include
11 representatives from the New Mexico association of counties,
12 the local government division of the department of finance and
13 administration, the general services department and the
14 taxation and revenue department; and

15 BE IT FURTHER RESOLVED that the task force report to the
16 New Mexico association of counties on or before October 1,
17 2012; and

18 BE IT FURTHER RESOLVED that the task force report to the
19 appropriate interim legislative committees on or before
20 November 1, 2012; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to the New Mexico association of counties, the
23 local government division of the department of finance and
24 administration, the general services department and the
25 taxation and revenue department.

.188924.1