

**LFC Requester:**

**Austin Davidson**

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**      X      **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_    **Substitute**    \_\_\_\_\_

**Date Prepared:**      1/30/2024  

**Bill No:**      SJR14  

**Sponsor:**      Cliff Pirtle  

**Short Title:**      Secession of Counties, CA  

**Agency Name and Code Number:**      305 – New Mexico  
Department of Justice  

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

SJR 11 proposes to add a new section to the State constitution that would provide a procedure by which the State would be required to consent to the secession of any three contiguous counties if five listed conditions were met.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

The agency analysis of this bill remains unchanged from the version reviewed as SJR 11 in the 2023 Regular Session. The substantive issues, as presented in the prior analysis, are as follows:

SJR [14] faces a fundamental hurdle: counties are, by their nature, creatures of the state, and as such, have no independent existence outside of the State even if the State consents to their secession. State ex rel. Witt v. State Canvassing Bd., 1968-NMSC-017, ¶ 21, 78 N.M. 682, 689, 437 P.2d 143, 150 (“Political subdivisions of States—counties, cities, or whatever— never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of state governmental functions.”) (citation omitted). In short, a New Mexico County that is no longer part of the State of New Mexico ceases to exist and does not have the power to dispose of property or territory of the State of New Mexico outside of its delegated authority to carry out State business. Therefore, there can be no process (even if all of the conditions of the proposed Amendment were to be met) whereby a county could decide to leave the state, have an independent existence after leaving, and transfer New Mexico property into either a new state or an existing state. In addition, the transfer of any land in any of the 3 counties to another entity would likely result in a regulatory taking from private landowners

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo

**AMENDMENTS**