

NMDOT BILL ANALYSIS 2024 REGULAR SESSION

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 Amendment
Correction Substitute

Date 1/31/2024

Bill No. SJR 14

Sponsor: Cliff R. Pirtle

Agency/ Code: NMDOT - 805 - OGC

Person Writing Analysis: John Newell

Short Title Secession of Counties, CA

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SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Senate Joint Resolution (SJR) 14 proposes amending the Constitution of the State of New Mexico to provide a mechanism for three (3) or more contiguous New Mexico counties to secede from New Mexico, subject to a law passed by Congress and signed by the President of the United States that provides consent to the secession of the counties.

FISCAL IMPLICATIONS

Article IV, Section 3 of the United States Constitution addresses the creation of a new state, including when part of an existing state seeks to secede. Generally, the secession of counties from a state requires the "Consent of the Legislatures of the States concerned as well as of the Congress." The proposed constitutional amendment bypasses the consent of the New Mexico Legislature. The mechanism provided in SJR 14 consists of five steps:

1. No less than fifteen percent of qualified electors in each of at least three contiguous counties sign a petition requesting a special election;
2. The counties each hold a special election, at which at least two-thirds of the votes cast by qualified electors are cast in favor of seceding;

3. The county commission of each of the counties must unanimously resolve to join the other contiguous counties in seceding;
4. Each county pays its outstanding debts to New Mexico or an instrumentality thereof; and
5. Congress passes and the President of the United States signs a law consenting to the secession of the counties.

The preservation of the State in its current configuration and the maintenance of its existing government is of statewide concern. To grant three or more contiguous counties the ability to secede from a state without consent of that state's legislature may not be lawful under the United States Constitution, the State Constitution, or both.

PERFORMANCE IMPLICATIONS

Secession of a county or several counties from the State would be extremely disruptive to the New Mexico Department of Transportation (NMDOT). The NMDOT would need to review and revise every aspect of its functions, such as highway maintenance and operations, long-term planning, existing and future construction projects, state and federal funding, etc., in the event one or more counties were to secede from the State. It is difficult to quantify the time and expense these efforts would have on the NMDOT. However, the more counties that were to secede, the greater the impact on the NMDOT.

ADMINISTRATIVE IMPLICATIONS

State statute divides the State of New Mexico into six transportation districts. Each district consists of specific enumerated counties. A State Transportation Commissioner is appointed to represent each individual district. If any existing county or counties were to secede from the State, all six transportation districts may have to be statutorily reconfigured.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

Section 1.B. of SJR 14 provides that "congress" passing a law, then signed by the President of the United States that consents to the secession of the counties is required. SJR 14 does not specify that the "congress" referenced in the joint resolution is the United States Congress.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The operations of the NMDOT will not be affected.

AMENDMENTS

None proposed.