

SENATE BILL 5

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO CHILD WELFARE; CREATING THE CHILDREN, YOUTH AND
FAMILIES DEPARTMENT SECRETARY NOMINATING COMMISSION;
ESTABLISHING QUALIFICATIONS FOR COMMISSION MEMBERS; SETTING
FORTH THE APPOINTMENT PROCESS FOR COMMISSION MEMBERS;
ESTABLISHING QUALIFICATIONS FOR THE SECRETARY OF CHILDREN,
YOUTH AND FAMILIES; ESTABLISHING THE COMMISSION'S POWERS AND
DUTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Children, Youth and
Families Department Act is enacted to read:

"[NEW MATERIAL] CHILDREN, YOUTH AND FAMILIES DEPARTMENT
SECRETARY NOMINATING COMMISSION.--

A. The "children, youth and families department
secretary nominating commission" is created and consists of

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underscored material = new
[bracketed material] = delete

1 five members, appointed one each by the speaker of the house of
2 representatives, the minority floor leader of the house of
3 representatives, the president pro tempore of the senate, the
4 minority floor leader of the senate and the attorney general.

5 B. A commission member shall:

6 (1) be a resident of New Mexico;

7 (2) possess a master's degree or a juris
8 doctor;

9 (3) have at least ten years of personnel
10 management experience, including employee recruitment;

11 (4) serve a four-year term; and

12 (5) serve without compensation but be
13 reimbursed for expenses incurred in pursuit of the member's
14 duties on the commission pursuant to the Per Diem and Mileage
15 Act.

16 C. The commission and individual members shall be
17 subject to the Governmental Conduct Act, the Inspection of
18 Public Records Act, the Financial Disclosure Act and the Open
19 Meetings Act.

20 D. Initial appointments to the commission shall be
21 made by the appointing authorities prior to July 1, 2026.
22 Subsequent appointments shall be made no later than thirty days
23 before the end of a commissioner's term.

24 E. If a position on the commission becomes vacant
25 during a term, a successor shall be selected in the same manner

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1 as the original appointment for that position and shall serve
2 for the remainder of the term of the position vacated.

3 F. The first meeting of the commission shall be
4 held prior to September 1, 2026. Notwithstanding the
5 provisions of Subsection A of Section 2 of this 2025 act,
6 following the first meeting, the commission shall meet as often
7 as necessary in order to carry out its duties."

8 SECTION 2. A new section of the Children, Youth and
9 Families Department Act is enacted to read:

10 "[NEW MATERIAL] COMMISSION--NOMINATING POWERS AND
11 DUTIES.--

12 A. Within ninety days before the date on which the
13 term of a secretary ends, or no later than thirty days after
14 the occurrence of a vacancy in the position, the commission
15 shall convene for the purpose of nominating persons to fill the
16 position of secretary.

17 B. The commission shall actively solicit, accept
18 and evaluate applications for the position and require
19 applicants to submit evidence that the applicant meets the
20 requirements of Section 3 of this 2025 act.

21 C. Within thirty days after convening, the
22 commission shall submit to the governor a list of at least
23 three but no more than five applicants who are recommended for
24 appointment to the position by a majority of the commission
25 members.

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1 D. Within sixty days of receiving the list
2 described in Subsection C of this section, the governor shall
3 select an applicant for appointment to the position of
4 secretary."

5 **SECTION 3.** A new section of the Children, Youth and
6 Families Department Act is enacted to read:

7 "[NEW MATERIAL] REQUIREMENTS FOR SECRETARY.--An applicant
8 for secretary shall meet the following requirements:

9 A. evidence of the completion of a master's degree
10 or juris doctor;

11 B. documentation of at least ten years of
12 experience at the level of an executive director or a chief
13 executive officer of an organization, including experience in
14 personnel management and oversight of multimillion-dollar
15 budgets; and

16 C. any additional information that the committee
17 deems relevant."

18 **SECTION 4.** A new section of the Children, Youth and
19 Families Department Act is enacted to read:

20 "[NEW MATERIAL] COMMISSION--POWERS AND DUTIES--PERFORMANCE
21 EVALUATION.--

22 A. The children, youth and families department
23 secretary nominating commission shall meet quarterly to
24 evaluate the secretary's performance.

25 B. The commission shall provide the governor and

1 the legislature with a report regarding the secretary's
2 performance, including recommendation for removal if
3 circumstances merit such recommendation, one year after the
4 secretary's appointment and annually thereafter."

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