

LFC Requester:

Carlie Malone

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** 1/21/2026*Check all that apply:***Bill Number:** HJR 4Original ☒ Correction ☐Amendment ☐ Substitute ☐**Sponsor:** Eleanor Chavez and
Joseph Franklin Hernandez**Agency Name
and Code** AOC 218
Number:**Short
Title:** CYFD COMMISSION, CA**Person Writing** Alison B. Pauk
Phone: 505-470-6558 **Email** aocabp@nmcourts.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total				N/A	N/A	

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Joint Resolution 4 seeks to amend the New Mexico Constitution by adding a new section to Article 5 creating a children, youth, and families commission to make policy and direct the operations.

Then commission will consist of three members, with an appointment from the governor, the speaker of the house, and the president pro tempore. The members must have educational credentials and child welfare and administrative experience. Members serve for six year, staggered terms, and removal for malfeasance, misfeasance, or neglect is by the supreme court who has exclusive removal jurisdiction.

There is no appropriation listed in this joint resolution.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. New laws, amendments to existing laws and new hearings have the potential to increase court hearing time, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

House Joint Resolution 4 seeks to present a constitutional amendment to the citizens of New Mexico to vote for the approval or rejection of the creation of a three-person commission that will make policy decisions and direct operations for the children, youth, and families department. The three-member commission will consist of appointees made by the governor, speaker of the house, and the senate president pro tempore.

The constitutional amendment does not make the department an independent agency, nor does it administratively attach the department to the executive branch. The department would still be a state agency of the executive branch, that, pursuant to Section 9-1-4 NMSA 1978, requires it be led by a cabinet secretary (See Section 9-1-4(A)(1) stating, “the principal unit of the executive branch is a ‘department,’ headed by a ‘secretary,’ who shall be appointed by the governor with the consent of the senate and who shall serve at his pleasure.”). It is unclear whether this commission proposed by HJR 4 will act in lieu of or in conjunction with a cabinet secretary.

Article 5, Section 4 of the New Mexico Constitution provides, “The supreme executive power of the state shall be vested in the governor, who shall take care that the laws be faithfully executed.” Directing the policy and operations of a state agency may be considered execution or enforcement of the laws; therefore, this commission would be executing laws under the executive branch. Consequently, the constitutional amendment proposed in this joint resolution may pose a separation of powers issue in that two of the three members of the commission are

legislative appointees who are then responsible for executing and enforcing laws.

Finally, the constitutional amendment proposed may conflict with other laws in Chapter 9, Executive Department.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS