

LFC Requester:

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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1/25/24

Bill No: SJR6

Sponsor: Sen. Ortiz y Pino
Short CYFD Commission
Title: _____

Agency Name and Code HSD-630
Number: _____
Person Writing _____
Phone: _____ **Email** _____

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decrease

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

SECTION III: NARRATIVE

BILL SUMMARY

This Bill proposes a commission be created by Amendment of the New Mexico Constitution. The commission thus created will direct the operation of the Children, Youth and Families Department, which is currently directed by the governor as an executive function. The three-member commission proposed to be created by Art. XIX Constitutional Amendment will have one member appointed by the president pro tempore of the Senate, one by the Speaker of the House and one by the Governor with initially staggered terms and ultimately six year terms each. The legislature will then make statutory qualifications for such commissioners. The Amendment to create this commission will be set before the electors for voting at the first opportunity.

Synopsis:

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 powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others...” N.M. Cont. Art. 3 § 1

An exception to the above is proposed in this Bill by Amendment per Art. XIX, § 3, direct vote with the requirement such method and Amendment may enact only a law that may be enacted as normally by the legislation. This Bill and Amendment could possibly fail judicial review on the point of Commissioners being further limited by legislative strictures per Clause 1 (C) of the Bill allowing the legislation to set qualifications for all three Commissioners. This could trespass on the appointment powers as given in the Bill, at least for the governor’s appointment. This could then be more likely to cross the existing constitutional limit of an elector approved Amendment to matters of regular passage of law. There are other possible complications arising from the two-thirds of the power of the Commission deriving solely from

the legislature which tends to contravene the original requirement of separation of powers.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Tends to conflict with Constitutional Art. 3, as noted above.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo of Executive supervision of CYFD

AMENDMENTS