

**LFC Requester:**

**Rachel Mercer-Garcia**

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 2/6/25 *Check all that apply:*  
**Bill Number:** SJR8 Original  Correction   
 Amendment  Substitute

**Sponsor:** William P. Soules **Agency Name and Code Number:** ECECD 61100  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	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**

#### **BILL SUMMARY**

##### Synopsis:

SJR8 proposes to amend Article 2 of the New Mexico constitution by adding a new section establishing the rights of children to include: the right to medical and dental health care; the right to behavioral health care; the right to nutritious food; the right to stable, healthy, and safe housing; the right to transportation to services; the right to live in a community that provides home visiting services from birth and parental support, education, and navigation to services; the right to early childhood learning programs; the right to fully resourced community schools; the right to youth mentorship programs; the right to acquire skills needed to maintain quality employment.

The proposed amendment to the constitution would be submitted for voter approval at the next general election or any special election before that date.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Funding is not addressed in the bill as it is currently written. However, ensuring that every child's rights are being upheld under this bill would likely require increased funding for the ECECD, the PED, and the DOH.

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

#### **SIGNIFICANT ISSUES**

Improving the quality of life for every New Mexican begins with a world-class cradle-to-career education system. Investments in early childhood education and care yield substantial long-term benefits for individuals and society – a 13% annual return on investment through improved outcomes in education, health, and economic productivity. Making it a right to live in a community that provides home visitation, early childhood learning programs, and fully resourced community schools will help further the establishment of a high-quality, universal early childhood system that ensures all New Mexico families and young children are thriving. However, as it proposes an amendment to the Constitution, SJR8 does not provide any additional funding or infrastructure to establish or enhance those programs in every New Mexico community. To address this gap, the passage of HB71- Early Childhood Education and Care Fund Transfers, is critical. HB71 would increase the annual distribution from the Early Childhood Education and Care Fund (or the Early Childhood Trust Fund) to at least \$500 million, or five percent of the fund's three-year average market value, whichever is greater. This increase would provide the Early Childhood Education and Care Department with the necessary resources to increase access to high-quality home visiting and early learning programs across the state. Additionally, SJR 6 – a constitutional amendment to

protect the Early Childhood Trust Fund for its intended purpose, the funding of prenatal services and early childhood program and services up to kindergarten entry would be necessary to ensure stable and predictable funding to guarantee the right to early childhood programs and services.

Very few states have adopted a children's rights amendment. New Mexico considered a similar joint memorial in the 2023 and 2024 Legislative session, but it died both times. Some attempts to enshrine or codify children's rights have been previously made in New Mexico and elsewhere. The NM Children, Youth and Families Department (CYFD) has created a New Mexico Foster Child and Youth Bills of Rights, which lists rights specific to the population of children and youth who live with foster parents (resource parents) or in out-of-home placements, like group homes and residential facilities ([www.cyfd.nm.gov](http://www.cyfd.nm.gov)).

### **PERFORMANCE IMPLICATIONS**

This bill could be of significant benefit to children in New Mexico if performance measures for state funded programming are reflective of these rights and programming parameters are built with these rights in mind. The key, however, will be funding and oversight.

### **ADMINISTRATIVE IMPLICATIONS**

If passed, ECECD would need significant funding increases to scale existing programming in New Mexico to support the rights of all children within the state created by SJR8.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

### **TECHNICAL ISSUES**

None

### **OTHER SUBSTANTIVE ISSUES**

None

### **ALTERNATIVES**

None

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

If SJR8 is not enacted voters will not be presented with an amendment to the constitution enshrining a Children's Bill of Rights into the New Mexico Constitution

### **AMENDMENTS**