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FISCAL IMPACT REPORT

ORIGINAL DATE 02/25/09

SPONSOR Chasey LAST UPDATED _____ HJR 22

SHORT TITLE Educational Institution Boards Of Regents, CA SB _____

ANALYST Haug

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$0.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SJR 8, SJR 10

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)

SUMMARY

Synopsis of Bill

Senate Joint Resolution would amend the New Mexico Constitution by repealing Article 12, Section 13 and replacing it with a new Article 12, Section 13.

Proposed Board of Regents membership would be:

<u>Institution</u>	<u>Board of Regents Membership</u>	<u>Term</u>
UNM	7 qualified electors	6 years
	1 faculty member	3 years
	1 student member	2 years
All Other Higher Education Institutions	5 qualified electors	6 years
	1 faculty member	3 years
	1 student member	2 years
Special Schools (NMMI, NMSD, NMSBVH)	5 qualified electors	6 years

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The student member would be appointed from a list, including recommendations of the Student Body President, provided by the President of the institution.

The faculty member would be appointed from a list provided by the faculty with the faculty determining how the list is derived.

No more than a simple majority of the board of regents can be of the same political party at the time of their appointment.

Vacancies would be filled using the same requirements as for initial appointments, but vacancy appointments would be only for the remainder of the term of the member being replaced.

Removal of members remains the same as in the current Article 12, Section 13 with some language simplification.

FISCAL IMPLICATIONS

While the fiscal impact of the amendment is difficult to quantify, there would potentially be additional travel and materials costs associated with expanding the boards of regents for seven institutions of higher education.

SIGNIFICANT ISSUES

Because all institutions are specified by name in the proposed amendment, creation of any new institution governed by a board of regents would potentially require a constitutional amendment.

The HED notes that:

Governing boards carry a variety of administrative authority over colleges and universities. The Board's power to govern includes fiduciary responsibility for the assets and programs of the college or university, establishment of goals and policies to guide the institutions, and oversight of the functioning of the institutions. The board vests responsibility for the operation and management of the university in the president of the college or university.

Governing board responsibility may be exercised only by the Board as a unit; individual regents are without power to act separately in the transaction of college or university business, except when one of the Board's officers is specifically authorized to act on behalf of the Board.

Concerns have been raised by higher education institutions that, if enacted, this joint resolution may make it more difficult to identify regents from a larger pool for nomination because of the more specific qualifications listed in the resolution. Proponents of the measure argue that there should be no vacancies at any given time because: 1) the holdover regents continue until the incoming regents are confirmed; 2) and/or outgoing regents serve as the incoming regents designate.

RELATIONSHIP

House Joint Resolution 22 relates to Senate Joint Resolution 10 with these differences:

- HJR 22 does not contain the requirement in SJR 10 that all potential members could not have contributed more than \$1,000.00 to any of the appointing governor's gubernatorial campaigns.
- HJR 22 does not contain the requirement in SJR 10 that potential members have demonstrated an interest in post-secondary education in New Mexico and demonstrated an interest in the educational institution to which the person is nominated.
- HJR 22 provides for three year terms for faculty members. SJR 10 provides for two year terms for faculty members.
- HJR 22 would require the faculty member be appointed from a list provided by the faculty with the faculty determining how the list is derived. SJR 10 would require the faculty appointment be made from a list provided by the Faculty Senate.
- HJR 22 contains no continue to serve statement regarding current members. SJR 10 provides that current members would continue to serve, regardless of the qualification requirements proposed by the amendment.

House Joint Resolution 22 relates to Senate Joint Resolution 8 which would require a two thirds majority vote of the Senate to confirm appointments to Boards of Regents of educational institutions.

GH/mt