

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SJR 10

49th Legislature, 2nd Session, 2010

Tracking Number: .180341.1

Short Title: Create State College Board of Regents, CA

Sponsor(s): Senator Cisco McSorley

Analyst: Ally Hudson

Date: February 11, 2010

Bill Summary:

SJR 10 amends the Constitution of the State of New Mexico to create a state Board of Regents that has control and management of the state's public colleges and universities and provides for control and management of the state's special schools by boards of trustees.

The resolution would repeal Article 12, Section 13 of the Constitution, replacing it with language appointing a single governing board of regents with governing authority over the following institutions:

- The University of New Mexico;
- New Mexico State University;
- New Mexico Highlands University;
- Western New Mexico University;
- Eastern New Mexico University;
- New Mexico Institute of Mining and Technology; and
- Northern New Mexico College.

The board would consist of 13 members appointed by the Governor, 11 of who must be appointed to reflect the economic, cultural, and social diversity of the state and to ensure geographic distribution of the membership. Two of the regents must be currently enrolled students at New Mexico universities.

For appointment to the board of regents, SJR 10 specifies that the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate shall each name three persons to a regents nominating committee that will develop a list of at least three candidates for each appointment who are qualified to serve on the board. Recommendations of the committee to the Governor shall be by a majority of the committee.

SJR 10 prescribes duties of the Board of Regents such that they shall:

- prescribe applicable standards of higher education;
- determine the functions and courses of study at each institution;
- develop and periodically review the role and mission statements of each institution, the president's office, and the board;
- publish and annually update a five-year plan for higher education in New Mexico;

- submit a proposed budget for the board, president’s office, and each institution to the Governor and the Legislature each year;
- propose to the Legislature the expansion or contraction of the public higher education system;
- set tuition and fees at each institution;
- establish policies for the president’s office; and
- direct the control and management of each institution through the President and each institution’s Chancellor.

SJR 10 also provides for the board of regents to appoint a president of the New Mexico university system, who shall be president of all the faculties and who shall be vested with the responsibility of administering the system under board policies. The president shall direct a central administration that:

- establishes system-wide policies pursuant to Board directive and monitors, reviews, and evaluates those policies;
- coordinates program development and operation among institutions;
- plans the programmatic, financial, and physical development of the system; and
- maintains fiscal control and compiles and recommends educational programs, operating budgets, and building programs to the Board of Regents.

SJR 10 further provides for the governance of New Mexico’s special schools (the New Mexico School for the Deaf, the New Mexico School for the Blind and Visually Impaired, and the New Mexico Military Institute) by the creation of a five-member board of trustees at each school.

The amendment proposed by the resolution would be submitted for voter approval either at the next general election or at a special election called for that purpose.

Fiscal Impact:

SJR 10 makes no appropriation.

The Higher Education Department (HED) analysis states that “there would be significant costs associated with the redistribution and/or reorganization of [the department’s] functions within other state agencies.”

The Legislative Finance Committee’s Fiscal Impact Report suggests that “a comprehensive cost-benefit analysis should be considered to determine the long-term fiscal impact these changes would cause, both positive and negative.”

Substantive Issues:

Currently all university boards of regents include at least one faculty and one student member on their respective boards. The limited membership of the board of regents proposed in SJR 10 may reduce faculty and student input in the institutions’ governance.

SJR 10 contains no provision for the control and management of New Mexico’s independent non-constitutional colleges which have been created by statute. Institutions in this category are:

- Central New Mexico Community Colleges;
- Clovis Community College;
- Luna Community College;
- Mesalands Community College;
- New Mexico Junior College;
- San Juan College; and
- Santa Fe Community College.

Moreover, no members of these institutions are listed as members of the state board of regents.

HED's analysis notes that, while the language in SJR 10 provides for term limits and the conditions of removal of board members, there is no language governing the qualifications, term limits, or listing provisions for removal of the board president.

Upon enactment of SJR10, HED would cease operation and the board would assume statutory duties of the department. According to HED's analysis, "such a board (and/or office of the president) could not feasibly assume many of the day-to-day functions and responsibilities of [the department]." HED serves 27 public higher education institutions and four tribal colleges and is not limited to oversight of New Mexico's four-year colleges, branches, and research universities. HED's analysis also explains that the department assumes responsibility for a number of programs and duties among them:

- Adult Basic Education programs, including the oversight of 28 educational sites and the management of both state and federal funding;
- pre-kindergarten through postsecondary (P-20) education programs, including Achieving the Dream, New Mexico GEAR-UP, Statewide Dual Credit Program, and new graduate program review;
- the Financial Aid Division, responsible for the management and disbursement of state and federal funds for loans, scholarships, grants, and loan-for-service programs; and
- Institutional Research and Planning, including calculation of the higher education funding formula.

In January 2010, Governor Bill Richardson announced that he would permit bills relating to consolidation and streamlining of government agencies to be considered by the Legislature in the current session, based on recommendations of the Committee on Government. Merging HED and the Public Education Department is one of these initiatives. HED's analysis notes that it is unclear how enactment of SJR 10 would complement or conflict with any legislation addressing such a merger.

Technical Issues:

HED's analysis observes that SJR 10 contains language stating that upon enactment, the department shall cease to exist. HED is not constitutionally created or otherwise mentioned in Article 12, Section 13. Consequently, alternative action may need to be taken to address the transfer of HED's statutory duties to a newly created board of regents.

HED's analysis further notes that the resolution contains language mentioning the duties of the former Higher Education Commission, whose duties have been replaced by the New Mexico Higher Education Advisory Board.

Related Bills:

None as of February 11, 2010.