

1 SENATE JOINT RESOLUTION 10

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO THE CONSTITUTION OF NEW MEXICO TO
12 CREATE A STATE BOARD OF REGENTS THAT HAS CONTROL AND MANAGEMENT
13 OF THE STATE'S COLLEGES AND UNIVERSITIES AND TO PROVIDE FOR THE
14 CONTROL AND MANAGEMENT OF THE STATE'S SPECIAL SCHOOLS BY BOARDS
15 OF TRUSTEES.

16
17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 Section 1. It is proposed to amend the constitution of
19 New Mexico by repealing Article 12, Section 13 and enacting a
20 new Article 12, Section 13 to read:

21 "A. The New Mexico university system consists of
22 the university of New Mexico, New Mexico state university, New
23 Mexico highlands university, western New Mexico university,
24 eastern New Mexico university, New Mexico institute of mining
25 and technology and northern New Mexico state school and

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1 includes their several campuses and branch colleges and their
2 off-campus instruction programs and learning centers. The
3 control and management shall be by a board of regents.

4 B. The board of regents shall consist of thirteen
5 regents appointed by the governor with the consent of the
6 senate. Eleven regents shall be appointed so as to be broadly
7 reflective of the economic, cultural and social diversity of
8 the state and to ensure geographic distribution of the
9 membership; two regents shall be appointed from the student
10 bodies of the institutions in the university system. The
11 governor shall select regents, including the student regents,
12 from lists provided by the regents nominating committee. No
13 more than seven members shall be from the same political party
14 at the time of their appointment.

15 C. For appointments to the board of regents,
16 including vacancy appointments, the governor, the speaker of
17 the house of representatives and the president pro tempore of
18 the senate shall each name three persons knowledgeable about
19 higher education in New Mexico to a regents nominating
20 committee that will develop a list of at least three candidates
21 for each appointment who are qualified to serve on the board.
22 The committee shall actively solicit, accept and evaluate
23 applications from qualified persons. Recommendations of the
24 committee to the governor shall be by a majority of the
25 committee.

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1 D. The terms of nonstudent regents shall be for six
2 years; provided that of the eleven nonstudent regents first
3 appointed, the terms of four regents shall be for six years,
4 the terms of four shall be for four years and the terms of
5 three shall be for two years. The terms of student regents
6 shall be for two years.

7 E. In addition to other duties prescribed by law,
8 the board of regents shall:

9 (1) prescribe applicable standards of higher
10 education, including standards for matriculation, articulation
11 and undergraduate and graduate degrees, at each institution
12 under its control;

13 (2) determine the functions and courses of
14 study at each institution that conform with the standards;

15 (3) develop and periodically review the role
16 and mission statements of each institution, the president's
17 office and the board;

18 (4) publish and annually update a five-year
19 plan for higher education in New Mexico;

20 (5) submit a proposed budget for the board,
21 president's office and each institution to the governor and the
22 legislature each year and make other recommendations the board
23 deems necessary;

24 (6) propose to the legislature the expansion
25 or contraction of the public higher education system; provided

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1 that the legislature or a school district or community college
2 shall not authorize a new campus, satellite campus, branch
3 campus, instructional center, off-campus instruction program,
4 learning center, community college or technical-vocational
5 institute without prior investigation and approval by the board
6 of the need for such expansion of publicly funded higher
7 education;

8 (7) set tuition and fees at each institution;

9 (8) establish policies for the president's
10 office; and

11 (9) direct the control and management of each
12 institution through the president and each institution's
13 chancellor.

14 F. The board of regents shall appoint a president
15 of the New Mexico university system, who shall be president of
16 all the faculties and who shall be vested with the
17 responsibility of administering the system under board policies
18 and shall direct a central administration that:

19 (1) establishes system-wide policies pursuant
20 to board directive and monitors, reviews and evaluates those
21 policies;

22 (2) coordinates program development and
23 operation among institutions in the university system;

24 (3) plans the programmatic, financial and
25 physical development of the system; and

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1 (4) maintains fiscal control and compiles and
2 recommends educational programs, operating budgets and building
3 programs to the board of regents.

4 G. The president, with the approval of the board of
5 regents, shall appoint a chancellor for each institution in the
6 New Mexico university system. The chancellors shall be the
7 executive heads of their respective faculties and institutions,
8 including the several campuses and branch colleges and
9 off-campus instruction programs and learning centers of those
10 institutions as provided by law. The chancellors shall be
11 vested with the responsibility of administering board policies
12 under the coordinating direction of the president and shall be
13 accountable and report to the president and the board on the
14 operation and administration of their institutions.

15 H. The board of regents may delegate to each
16 institution those powers and duties it deems necessary and
17 appropriate.

18 I. All degrees or certificates granted by a state
19 educational institution named in Subsection A of this section
20 shall be in the name of that institution.

21 J. The New Mexico military institute, the New
22 Mexico school for the blind and visually impaired and the New
23 Mexico school for the deaf shall each be under the control and
24 management of a board of trustees. Each board of trustees
25 shall consist of five members, no more than three of whom at

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1 the time of their appointment shall be members of the same
2 political party. The legislature may prescribe other
3 qualifications by law. The governor shall nominate and with
4 the consent of the senate appoint the members of each board.
5 The terms of the members shall be for six years; provided that
6 the members of the boards of regents of the New Mexico military
7 institute, the New Mexico school for the blind and visually
8 impaired and the New Mexico school for the deaf serving on
9 December 31, 2011 shall continue to serve the terms for which
10 they were appointed. The members are entitled to receive
11 reimbursement for per diem and mileage expenses as provided by
12 law but shall receive no other compensation, perquisite or
13 allowance for serving on the board of trustees.

14 K. Members of the board of regents or the boards of
15 trustees shall not be removed except for incompetence, neglect
16 of duty or malfeasance in office. No removal shall be made
17 without notice of hearing and an opportunity to be heard having
18 first been given the member. The supreme court of the state is
19 given exclusive original jurisdiction over proceedings to
20 remove members of the board of regents or boards of trustees
21 under such rules as it may promulgate, and its decision in
22 connection with such matters shall be final. Regents and
23 trustees are entitled to receive reimbursement for per diem and
24 mileage expenses as provided by law but shall receive no other
25 compensation, perquisite or allowance for serving on the board

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1 of regents or a board of trustees. A vacancy on the board of
2 regents or a board of trustees shall be filled by appointment
3 of the governor pursuant to this section and shall be only for
4 the remainder of that term.

5 L. Regents shall be appointed initially for terms
6 beginning on January 1, 2012. On January 1, 2012, the boards
7 of regents of the university of New Mexico, New Mexico state
8 university, New Mexico highlands university, western New Mexico
9 university, eastern New Mexico university, New Mexico institute
10 of mining and technology and northern New Mexico state school
11 shall cease to exist. On January 1, 2012, the higher education
12 department shall cease to exist and the board of regents shall
13 take over the statutory duties of the department and the higher
14 education commission.

15 M. Upon certification by the secretary of state
16 that this amendment has been approved by the people, the
17 governor shall appoint a transition team consisting of regents,
18 university personnel and other interested persons to plan for
19 the transition to the New Mexico university system. The team
20 shall make periodic reports to the governor and the legislature
21 and shall make final recommendations by November 1, 2011. The
22 governor, the speaker of the house of representatives and the
23 president pro tempore of the senate shall name a regents
24 nominating committee by February 1, 2011, and that committee
25 shall make its recommendations to the governor by September 30,

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1 2011."

2 Section 2. The amendment proposed by this resolution
3 shall be submitted to the people for their approval or
4 rejection at the next general election or at any special
5 election prior to that date that may be called for that
6 purpose.

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