

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Steinborn ORIGINAL DATE 2/9/18  
 LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Terms for Boards of Regents, CA SJR 17

ANALYST Amacher

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

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Indeterminate Minimal Fiscal Impact			Nonrecurring	Election Fund
			See Narrative	See Narrative	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SJR1/aSRC, SJR 8

### SOURCES OF INFORMATION

LFC Files

#### No Responses Received From

New Mexico Higher Education Department (HED)  
 Secretary of State (SOS)

#### Responses Received From

New Mexico School for the Blind & Visually Impaired (NMSBVI)  
 New Mexico State University (NMSU)

### SUMMARY

#### Synopsis of Senate Joint Resolution

Senate Joint Resolution 17 proposes an amendment to Article 12, Section 13 of the state constitution to provide for four-year terms of office for all nonstudent members of board of regents of state educational institutions. The resolution is to be submitted for approval by the people of the state in the next general election (November 2018) or any special election called for that purpose.

## **FISCAL IMPLICATIONS**

The Secretary of the State's (SOS) Office supports and understands the legislature's prerogative to place constitutional amendments before the voters of the state. For the purposes of determining the cost involved, the SOS notes that, under Section 1-16-13 NMSA 1978, the SOS is required to print the full text of each proposed constitutional amendment, in both Spanish and English, in an amount equal to 10 percent of the registered voters in the state. In order to comply with this requirement for the 2016 general election, the SOS printed approximately 129,000 copies of the "Voter Guide" at a total cost of \$19,041. Printing costs differ depending upon the number and length of proposed constitutional amendments.

The SOS is also constitutionally required to publish the full text of each proposed constitutional amendment once a week for four weeks preceding the election in newspapers in every county in the state. In 2016, the SOS spent \$245,918 for the required newspaper publications which included printing one 1.5 page (332 words) constitutional amendment at a total cost of \$15,803 (the rest of the publication cost was for printing the full general obligation bond, as required in that bill each year). This publication cost is dependent upon the number and length of the constitutional amendments that are proposed to the voters.

Furthermore, the number of constitutional amendments proposed may also impact the page size of the ballot, or if the ballot size is caused to become greater than one page, front and back, which may increase the cost of producing the ballots for the general election. In addition to the cost of the ballot, there may be time added to the voting process, which would require additional ballot printing systems in order to ensure a smooth and efficient voting process within the bounds of national best practices.

## **SIGNIFICANT ISSUES**

Senate Joint Resolution 17 proposes an amendment to Article 12, Section 13 of the state constitution to provide for four-year terms of office (instead of six-year terms) for all nonstudent members of board of regents of state educational institutions. The four-year term of office shall apply to all nonstudent members whose terms begin on or after January 1, 2019.

This resolution removes language relating to nominations upon first vacancy positions of a student member, a nonstudent member on the University of New Mexico's board of regents.

The resolution is to be submitted for approval by the people of the state in the next general election (November 2018) or any special election called for that purpose.

## **RELATIONSHIP**

SJR 17 relates to SJR1/aSRC. The Senate Rules Committee amendment makes clear that at least three names shall be on the list provided by the nominating committee from which the Governor may then nominate members of the Board of Regents. The Legislature is tasked in determining the appointment, terms, powers, and duties of the nominating committees. The effective date of this legislation is July 1, 2019. The resolution is to be submitted for approval by the people of the state in the next general election (November 2018) or any special election called for that purpose.

### **Senate Joint Resolution 17– Page 3**

SJR 17 relates to SJR 8, Higher Board of Regents Changes, CA, which to Article 12, Section 13 of the state constitution to increase and make uniform the number of members of boards of regents of all higher education institutions, except for the New Mexico School for the Deaf, the New Mexico Military Institute and the New Mexico School for the Blind and Visually Impaired; and to decrease their terms of office. The resolution is to be submitted for approval by the people of the state in the next general election (November 2018) or any special election called for that purpose.

### **OTHER SUBSTANTIVE ISSUES**

The NMSU notes this memorial would allow each governor the opportunity to replace all regents at some point in their tenure. Six years is a longer term of office than any elected position in government and this may make regents in current six year appointments less responsive to the governor who may not have appointed them, and won't have the opportunity to replace them. A four year term reduces risk that poorly performing regents will retain their positions for long periods.

As reported in similar legislation relating to a change in the board of regents, the HED notes that currently, Article 12, Section 13 of the New Mexico Constitution sets out the number of regents for each of the constitutionally created higher education institutions. The UNM currently has a seven member board of regents, including six members of the qualified electorate and one student regent. The NM School for the Deaf, the NM Military Institute and the NM School for the Blind and Visually Impaired each have a board of regents comprised of five members of the qualified electorate. All other constitutionally created higher education institutions have a five member board of regents made up of four members of the qualified electorate and one student regent.

JMA/al/jle