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FISCAL IMPACT REPORT

SPONSOR: Adair DATE TYPED: 2/24/03 HB _____

SHORT TITLE: Consideration of Boards of Regents Nominees SB SR 1

ANALYST: Chavez

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
NFI	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

Senate Resolution 1 proposes to suspend the consideration of nominees to boards of regents until the Governor terminates the practice of demanding the resignations of the nominees as a condition of their nominations and nullifies the letters of resignation that he has demanded of his nominees. Additionally, Senate Resolution 1 proposes that the senate rules committee be prohibited, both during legislative sessions and in the interim, from conducting confirmation hearings on nominees to boards of regents until the governor so notifies the senate of the discontinuation of the above practice.

Significant Issues

The required submission of undated letters of resignation nullifies the benefits and protections of staggered terms articulated by the Supreme Court of New Mexico in *Denish v. Johnson*. The benefits noted in this opinion include:

1. the preservation of continuity in the public entity;
2. the isolation of the public entity as a whole from being manipulated for political reasons;
3. the promotion of creative tension between new appointees and appointees of a prior administration; and

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4. the promotion of institutional memory by assuring that older appointees have the opportunity to pass on important knowledge and experience to newer appointees.

FISCAL IMPLICATIONS

There is no appropriation contained in this bill.

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