

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 FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Lopez ORIGINAL DATE 02/19/11 HB _____
LAST UPDATED _____
SHORT TITLE Increase Size of Certain School Boards, CA SJR 7
ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$104.0			Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 7 proposes an amendment to the New Mexico constitution requiring the qualified electors in a local school district having a population of more than 200,000 as shown by the most recent decennial census, to have a local school board composed of nine members.

The school district shall be divided into nine instead of the current seven local school board member districts that shall be compact, contiguous and as nearly equal in population.

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

FISCAL IMPLICATIONS

In accordance with Section 1-16-4 NMSA 1978, upon receipt of the certified proposed constitutional amendment or other question from the SOS, the county clerk shall include it in the proclamation to be issued and shall publish the full text of each proposed constitutional amendment or other question in accordance with the constitution of New Mexico.

Senate Joint Resolution 7 – Page 2

Although the county clerk includes the proposed amendments in his/her proclamation, it is the responsibility of the State to pay for the costs associated with the publication per Section 1-16-11 NMSA 1978. The approximate cost per constitutional amendment is \$104,000.

SIGNIFICANT ISSUES

PED states that it is unclear how this change will result in increased transparency, accountability, efficiencies and effectiveness.

A similar resolution was passed in the 2007 legislative session. In December 2008, the resulting constitutional amendment passed by voters in a general election was struck down by the Supreme Court because the question on the ballot combined the question of school size with another question of whether school board elections could be conducted by mail-in ballot. The court found this to be “logrolling” and illegal. In short, that previous measure was deemed to be unconstitutional.

ADMINISTRATIVE IMPLICATIONS

The SOS staff will place the amendment proposed by this resolution if approved by the legislature on the next general election ballot. The SOS can handle the administrative requirements of this resolution as part of its ongoing responsibilities.

DW/svb