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FISCAL IMPACT REPORT

ORIGINAL DATE 02/14/13

SPONSOR Steinborn/Soules LAST UPDATED _____ HJR 8

SHORT TITLE Board of Regents Nominating Committees, CA SB _____

ANALYST Hartzler-Toon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$46.0	0	\$46.0	Nonrecurring	Secretary of State Operating

(Parenthesis () Indicate Expenditure Decreases)

Relates to

HJR9, Board of Regents Qualifications, CA
SJR7, Northern New Mexico State Student Regent, CA

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)

Responses Not Received From

Any constitutionally-established college, university, or school

SUMMARY

Synopsis of Bill

House Joint Resolution 8 (HJR8) adds a new section to Article 12 of the Constitution that establishes one or more regent nominating committees to provide the governor with lists of

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names for appointments to any of the boards of regents of state educational institutions listed in Article 12. The section states that the Legislature shall provide by law for the appointment, terms, powers and duties of the nominating committees. Further, HJR8 requires this amendment to be placed on the ballot of the next general election or any other special election prior to that date called for general purposes.

Institutions enumerated in Section 11, Article 12 of the Constitution include

- Eastern New Mexico University
- New Mexico Highlands University
- New Mexico Institute of Mining and Technology
- New Mexico State University
- Northern New Mexico College
- University of New Mexico
- Western New Mexico University
- New Mexico Military Institute
- New Mexico School for the Blind and Visually Impaired
- New Mexico School for the Deaf

FISCAL IMPLICATIONS

House Joint Resolution 8 makes no appropriation.

The estimated additional operating budget impact of \$46 thousand reflects the experience of the Secretary of State's Office for the cost of placing a constitutional amendment on an election ballot.

If the amendment is approved by voters, there would be recurring costs associated with establishing the nominating committee/s and supporting the operations of the committee/s.

SIGNIFICANT ISSUES

Under Section 13, Article 12 of the Constitution, "the governor shall nominate and by and with the consent of the senate shall appoint the members of each board of regents" for each institution, including the student regent members where applicable. This joint resolution would insert the Legislature more directly in the regent appointment process by establishing a nominating committee/s to generate lists of regent candidates for the governor's consideration.

PERFORMANCE IMPLICATIONS

According to the Association of Governing Boards of Colleges and Universities (AGB), a number of states have established nominating committees to generate lists of regent candidates. "Nonpartisan advisory or nominating committees to recruit, screen, and recommend board candidates are an important new tool in ensuring that the best candidates are considered for these important governance positions." Such committees have been created by both the executive and legislature.

The AGB also reports on "best practices" that legislatures and governors should consider when establishing criteria for the appointment, terms, powers and duties of such nominating

committees.

ADMINISTRATIVE IMPLICATIONS

If passed by both chambers, the Secretary of State would be required to place the subject of HJR8 on the ballot of the next general election or special election for a general purpose.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Joint Resolution 8 relates to SJR7, the Northern New Mexico State Student Regent constitutional amendment, and HJR9, proposing a constitutional amendment to specify board of regents qualifications.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The governor will continue to appoint candidates for regent positions, and the Legislature's role will continue to be limited to the senate's consent of such candidates.

THT//blm