

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HJR 7

51st Legislature, 2nd Session, 2014

Tracking Number: .195530.3

Short Title: State School Regent Nominating Boards, CA

Sponsor(s): Representative Jeff Steinborn and Senator Tim M. Keller and Others

Analyst: Kevin Force

Date: February 4, 2014

Bill Summary:

HJR 7 proposes to amend Article XII of the Constitution of New Mexico by adding a new section that would:

- by law, establish nominating committees to provide lists of names for appointments by the Governor to the state constitutional educational institutions;¹
- require each committee to be bipartisan, and include members of their respective faculties and student bodies, as well as members of the communities in which the institutions reside; and
- require the Legislature to provide by law for the appointment, terms, powers, and duties of the committees.

As a constitutional amendment, if passed by the Legislature, HJR 7 would go before the people for approval at the next General Election, or a special election called for the purpose of considering this amendment.

Fiscal Impact:

HJR 7 does not contain an appropriation.

Fiscal Issues:

Under Section 1-16-13 NMSA 1978 and the New Mexico constitution, the Secretary of State (SOS) is required to:

- print samples of the 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; and
- publish the samples once a week for the four weeks preceding the election in which the proposed amendment will be presented to the voters in newspapers in every county in the state.

¹ See Article XII, Section 11, Constitution of the State of New Mexico. (The listed institutions 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, the New Mexico School for the Blind and Visually Impaired, and the New Mexico School for the Deaf.)

In 2012, the cost for the 2012 General Election ballots was \$46,000 per constitutional amendment. However, if the ballot size increases to where it becomes longer than one page, front and back, the cost of conducting the general election would be increased by such costs as those associated with a longer ballot, the additional time required to process individuals as they vote, and additional ballot printing systems, to avoid long lines at voting locations.

Technical Issues:

Article XII, Section 13, is unaffected by this joint resolution; however, HJR 7 may conflict with the provisions in Section 13. For example, that section provides for:

- gubernatorial appointment of regents;
- apportionment by political parties;
- the length of terms of regents; and
- differing requirements for different state institutions.

Substantive Issues:

As noted by Legislative Finance Committee staff in the Fiscal Impact Report (FIR), the proposed joint resolution would insert the Legislature more directly into the process of appointing regents to the boards of the enumerated institutions, by establishing committees to generate lists of candidates to be considered for appointment by the Governor.

The Higher Education Department notes that:

- a requirement of strict bipartisanship may lead to board membership belonging to each party, thus raising the possibility of tie votes; and
- the number of candidates to be provided by the committees is not mentioned, and neither is the length of terms for committee members, nor the manner in which committee members are to be chosen.

Background:

As indicated in the FIR, the Association of Governing Boards of Colleges and Universities (AGB) has indicated that some states have established committees such as those required by HJR 7 to recruit, screen and recommend lists of candidates, referring to this process as an “important new tool in ensuring that the best candidates are considered for these important governance positions.” Such committees have been created by both legislative and executive action. AGB also reports on best practices for when establishing criteria for board membership,² including such factors as:

- indicating that merit is the most important criterion to consider in recommending and appointing of board members;
- creating a nonpartisan advisory or nominating committee;

² See, e.g.: *Building Public Governing Board Capacity: Suggestions and Recommendations to Governors and State Legislatures for Improving the Selection and Composition of Public College and University Board Members*, AGB State Policy Brief, June 2013, at: http://agb.org/sites/agb.org/files/State_Policy_Brief_June2013.pdf.

- the serious nature of reappointments and the necessity for due deliberation even in these cases; and
- establishing clear expectations for board members.

Committee Referrals:

HEC/HVEC

Related Bills:

None as of February 4, 2014.