

HOUSE JOINT RESOLUTION 12

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Nathan P. Small and Charlotte Little and Sarah Silva  
and Anita Gonzales and Javier Martínez

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 13 OF THE CONSTITUTION OF NEW MEXICO TO ESTABLISH THE FIDUCIARY DUTIES OF MEMBERS OF BOARDS OF REGENTS OF STATE EDUCATIONAL INSTITUTIONS, VEST DISTRICT COURTS WITH ORIGINAL JURISDICTION OVER ACTIONS TO REMOVE BOARD MEMBERS AND PROVIDE THAT THE ATTORNEY GENERAL OR A MAJORITY OF THE MEMBERS OF A BOARD OF REGENTS MAY SEEK REMOVAL OF A MEMBER.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

.230084.2AIC      March 1, 2025 (9:39pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

SECTION 1. It is proposed to amend Article 12, Section 13 of the constitution of New Mexico to read:

"A. The legislature shall provide for the control and management of each of the institutions, except the university of New Mexico, by a board of regents for each institution, consisting of five members, four of whom shall be qualified electors of the state of New Mexico, one of whom shall be a member of the student body of the institution and no more than three of whom at the time of their appointment shall be members of the same political party; provided, however, that the student body member provision in this subsection shall not apply to the New Mexico school for the deaf, the New Mexico military institute or the New Mexico school for the blind and visually impaired, and for each of those three institutions all five members of the board of regents shall be qualified electors of the state of New Mexico.

B. The governor shall nominate and by and with the consent of the senate shall appoint the members of each board of regents for each of the institutions. The terms of nonstudent members shall be for staggered terms of six years, and the terms of student members shall be two years.

C. The governor shall select, with the advice and consent of the senate, a student member from a list provided by the president of the institution. In making the list, the president of the institution shall give due consideration to

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

the recommendations of the student body president of the institution. Following the approval by the voters of this 2014 amendment and upon the first vacancy of a position on the northern New Mexico state school board of regents, the governor shall nominate and by and with the consent of the senate shall appoint a student member to serve a two-year term.

D. The legislature shall provide for the control and management of the university of New Mexico by a board of regents consisting of seven members, six of whom shall be qualified electors of the state of New Mexico, one of whom shall be a member of the student body of the university of New Mexico and no more than four of whom at the time of their appointment shall be members of the same political party. The governor shall nominate and by and with the consent of the senate shall appoint the members of the board of regents. The present five members shall serve out their present terms. The two additional members shall be appointed in 1987 for terms of six years. Following the approval by the voters of this amendment and upon the first vacancy of a position held by a nonstudent member on the university of New Mexico's board of regents, the governor shall nominate and by and with the consent of the senate shall appoint a student member to serve a two-year term. The governor shall select, with the advice and consent of the senate, a student member from a list provided by the president of the university of New Mexico. In making the

.230084.2AIC March 1, 2025 (9:39pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

list, the president of the university of New Mexico shall give due consideration to the recommendations of the student body president of the university.

E. Each member of a board of regents holds a position of trust and owes a fiduciary duty to the institution that the member serves, and the member's control and management of that institution shall at all times be subject to and limited by the member's adherence to the member's fiduciary duty. The fiduciary duties of each member of a board of regents include a duty of undivided loyalty; a duty of due care and prudent administration of the member's responsibilities; a duty to act in good faith; and an obligation to conduct business in accordance with the laws of the state of New Mexico and the internal policies of the institution that the member serves. The fiduciary duties of a board of regents of an institution extend to any of the institution's administrators to whom the board of regents delegates its authority. The legislature may provide for additional duties for a board of regents and may define the scope of the board of regents' control and management of the institution that the board serves.

~~[E.]~~ F. Members of the board shall not be removed except for incompetence, neglect, [~~of duty~~] breaches of fiduciary duties, breaches of other duties or malfeasance in office. [~~Provided, however, no removal shall be made without~~

underscoring material = new

[bracketed material] = delete

Amendments: new = bold, blue, highlight

delete = bold, red, highlight, strikethrough

~~notice of hearing and an opportunity to be heard having first been given such member. The supreme court of the state of New Mexico is hereby given exclusive original jurisdiction over proceedings to remove members of the board under such rules as it may promulgate, and its decision in connection with such matters shall be final.] Incompetence, neglect, breach of a fiduciary duty, breach of other duties or malfeasance of a member of a board may be remedied as provided by law or as recognized in a common-law cause of action. A member of a board of regents may be removed from the board of the institution that the member serves by an action seeking removal of the member filed in the district court Hf11→in which the institution for which the member serves is located←Hf11 by the attorney general or by a majority of the other members of the board of regents of the institution that the member serves."~~

SECTION 2. 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.