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FISCAL IMPACT REPORT

ORIGINAL DATE 2/07/17
 SPONSOR Pirtle/Woods LAST UPDATED 2/23/17 HB _____
 SHORT TITLE NMSU Regent Background Requirements SB 162/aSEC/aSFI#1
 ANALYST Dulany

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to SJR 9

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)
 New Mexico State University (NMSU)

SUMMARY

Synopsis of Senate Floor Amendments

Relating to courses of instruction at NMSU, the Senate Floor amendments add “science” after the word “political” and strike a redundant listing of “philosophy.” Philosophy already appears in the list of included courses of instruction on page 1, line 24.

Synopsis of Senate Education Committee Amendments

The Senate Education Committee amendments reduce the number of regents required to have an education or background in agriculture-related fields from two to one.

Synopsis of Original Bill

Senate Bill 162 amends statute governing NMSU to require two of the five members of the NMSU Board of Regents must have a bachelor, master, or doctorate of science degree, or at least four years of experience, in agriculture, agricultural systems management, agribusiness, horticulture, soil and crop management, animal science, or a comparable discipline.

SB 162 also makes a number of technical corrections.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

Article XII, Section 13 requires one of the five members of the NMSU Board of Regents to be a member of the student body. If an insufficient number of non-student members meet the requirements of SB 162, an undergraduate student seeking appointment to the board would need to demonstrate at least four years of agricultural experience in order to be eligible for the position.

RELATIONSHIP

SJR 9 requires the Governor to appoint regents to New Mexico's postsecondary institutions from a list provided by a nominating committee established by law.

TECHNICAL ISSUES

SB 162 requires a bachelor, master, or doctorate of science degree, or at least four years of experience, in certain agricultural disciplines. Although the disciplines listed in the bill are frequently awarded as bachelor of science or master of science degrees, some institutions may award different types of degrees in these fields, such as a bachelor of arts in agricultural studies or a master of business administration degree specializing in agribusiness. Further, terminal agricultural economics degrees are often awarded as a doctorate of philosophy. The sponsors may wish to consider amending the bill to broaden this requirement to other types of baccalaureate, master's, and doctoral degrees.

OTHER SUBSTANTIVE ISSUES

New Mexico State University, formerly established as the New Mexico College of Agriculture and Mechanical Arts, is designated as the state's land-grant college pursuant to the federal Morrill Act. Section 4 of the Morrill Act of 1862 requires money derived from the sale of land granted to each state to be appropriated:

“to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to **agriculture** and the mechanical arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life” (emphasis added).

Article XV of the Constitution of the State of New Mexico establishes the New Mexico Department of Agriculture, “which shall be under the control of the board of regents of the college of agriculture and mechanical arts...” Section 76-1-2 through 76-1-3 NMSA 1978 grants the NMSU Board of Regents rulemaking authority related to NMDA's duties and responsibilities

as well as the authority to appoint the director of NMDA. The director of NMDA is an executive cabinet-level position as provided in the Executive Reorganization Act.

TD/sb/jle/al