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**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Click all that apply:

Original **Amendment**
Correction **Substitute**

Date 2025-02-04
Bill No: HJR12

Sponsor:	<u>Small, Nathan P / Little, Charlotte</u>	Agency Name and Code	<u>NMHED</u>
Short Title:	<u>COLLEGE BOARDS OF REGENTS CHANGES, CA</u>	Number:	<u></u>
		Person Writing	<u>Chisholm, Mark</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

House Joint Resolution 12 (HJR12) proposes to amend Article 12, Section 13 of the New Mexico constitution to establish the fiduciary duties of regents of state educational institutions, to vest district courts with original jurisdiction over actions to remove members of boards of regents, and to provide that the Attorney General or a majority of the members of a board of regents may seek removal of a member.

Makes explicit that the fiduciary duties of each member of a board of regents include undivided loyalty, due care and prudent administration of responsibilities, acting in good faith, and an obligation to conduct business in accordance with state law and internal policies. These fiduciary duties extend to any of the institution's administrators to whom the board of regents delegates its authority. Authorizes the Legislature to provide for additional duties and definition of the scope of the board's control and management of the institution.

Provides that members of a board may be removed for incompetence, neglect, breaches of fiduciary or other duties, or malfeasance in office. A member may be removed by an action seeking removal filed in district court by the Attorney General or by a majority of the other members of the board of regents of the institution. Currently, the constitution provides that the Supreme Court of New Mexico has original jurisdiction over proceedings to remove board members.

Proposal to be submitted to the people at the next general or prior special election.

FISCAL IMPLICATIONS

There is no appropriation in HJR12.

SIGNIFICANT ISSUES

This constitutional amendment, if passed, would hold the regents of the constitutional schools, the University of New Mexico (UNM), New Mexico State University (NMSU), New Mexico Institute of Mining and Technology (NMT), Eastern New Mexico University (ENMU), Western New Mexico University (WNMU), New Mexico Highlands University (NMHU), and Northern New Mexico College (NNMC), accountable for their fiscal responsibilities over their institution by allowing their removal by other individuals in addition to the New Mexico Supreme Court. That includes through an action in a district court filed by the New Mexico Attorney General or by a vote of the remaining members of the institution's board of regents.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

There is a relationship between HJR12 and SB266, HIGHER ED. AGREEMENT APPROVAL & REVIEW. SB266 places additional fiduciary duties on board members of public postsecondary institutions. Also, SB19, BOARDS OF REGENTS TRAINING REQUIREMENTS, mandates training for new regents that emphasize their fiduciary responsibilities.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HJR12 is not adopted as a constitutional amendment, the current constitutional remedies for removing a regent fall entirely to the New Mexico supreme court.

AMENDMENTS

N/A