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HOUSE JOINT RESOLUTION 9

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Terry T. Marquardt

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO PROVIDE FOR A SECRETARY OF
PUBLIC EDUCATION APPOINTED BY THE GOVERNOR AND TO ABOLISH THE
STATE BOARD OF EDUCATION.

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

Section 1. It is proposed to amend Article 12, Section 6
of the constitution of New Mexico to read:

"A. There is hereby created a "[~~state department of~~]
public education [~~and a "state board of education". The state
board of education shall determine public school policy and
vocational educational policy and shall have control,
management and direction, including financial direction,
distribution of school funds and financial accounting for all
public schools, pursuant to authority and powers provided by~~

underscored material = new
~~[bracketed material]~~ = delete

underscored material = new
[bracketed material] = delete

1 ~~law. The board]~~ department". The governor shall appoint,
2 with the advice and consent of the senate, a qualified,
3 experienced educational administrator to be known as the
4 ~~[superintendent of public instruction, who shall, subject to~~
5 ~~the policies established by the board]~~ secretary of public
6 education, who shall direct the operation of the ~~[state~~
7 ~~department of]~~ public education

8 ~~[B. Ten members of the state board of education~~
9 ~~who shall be state officers shall be elected for staggered~~
10 ~~terms of four years as provided by law. Board members shall~~
11 ~~be residents of the board of education district from which~~
12 ~~they are elected. Change of residence of a board member to a~~
13 ~~place outside the district from which he was elected shall~~
14 ~~automatically terminate the term of that member.~~

15 ~~C. Five members of the state board of education~~
16 ~~who shall be state officers shall be nominated and by and with~~
17 ~~the consent of the senate appointed by the governor from five~~
18 ~~districts substantially equal in population for staggered~~
19 ~~four-year terms as provided by law. Those appointed by the~~
20 ~~governor shall be qualified electors of the state of New~~
21 ~~Mexico, no more than one-half or a simple majority of whom at~~
22 ~~the time of their appointment shall be members of the same~~
23 ~~political party. After 1990, the number of appointed members~~
24 ~~may be changed by law not to exceed five members.~~

25 ~~D. The governor shall fill vacancies on the board~~

**underscored material = new
[bracketed material] = delete**

1 by appointment of a resident from the district in which the
2 vacancy occurs until the next regular election for membership
3 on the board] department.

4 [E.] B. Upon adoption of this amendment, all
5 functions relating to public schools and the distribution of
6 school funds and financial accounting for the public schools
7 shall be transferred to the [~~state department of~~] public
8 education department to be performed as provided by law.

9 C. If this amendment is adopted by the people at
10 the general election in 2002, the state board of education is
11 abolished January 1, 2003 and the secretary of state shall not
12 certify the results of the 2002 election of state board of
13 education members. "

14 Section 2. The amendment proposed by this resolution
15 shall be submitted to the people for their approval or
16 rejection at the next general election or at any special
17 election prior to that date that may be called for that
18 purpose.