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HOUSE BILL 678

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING FOR NATIVE AMERICAN REPRESENTATION ON THE COMMISSION ON HIGHER EDUCATION.

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

Section 1. Section 21-1-29 NMSA 1978 (being Laws 1971, Chapter 224, Section 1, as amended) is amended to read:

"21-1-29. MEMBERSHIP--TERMS--QUALIFICATIONS. --

A. The commission on higher education shall consist of fifteen members. The governor shall appoint with the consent of the senate thirteen members who are qualified electors of the state, no more than seven of whom are, at the time of their appointment, members of the same political party.

The appointments shall be made as follows:

- (1) one member from the first board of education district as created in the [Educational Apportionment

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1 ~~Act]~~ 2001 Educational Redistricting Act;

2 (2) one member from the second board of
3 education district as created in the [~~Educational Apportionment~~
4 ~~Act]~~ 2001 Educational Redistricting Act;

5 (3) one member from the third board of
6 education district as created in the [~~Educational Apportionment~~
7 ~~Act]~~ 2001 Educational Redistricting Act;

8 (4) one member from the fourth board of
9 education district as created in the [~~Educational Apportionment~~
10 ~~Act]~~ 2001 Educational Redistricting Act;

11 (5) one member from the fifth board of
12 education district as created in the [~~Educational Apportionment~~
13 ~~Act]~~ 2001 Educational Redistricting Act;

14 (6) one member from the sixth board of
15 education district as created in the [~~Educational Apportionment~~
16 ~~Act]~~ 2001 Educational Redistricting Act;

17 (7) one member from the seventh board of
18 education district as created in the [~~Educational Apportionment~~
19 ~~Act]~~ 2001 Educational Redistricting Act;

20 (8) one member from the eighth board of
21 education district as created in the [~~Educational Apportionment~~
22 ~~Act]~~ 2001 Educational Redistricting Act;

23 (9) one member from the ninth board of
24 education district as created in the [~~Educational Apportionment~~
25 ~~Act]~~ 2001 Educational Redistricting Act;

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1 (10) one member from the tenth board of
2 education district as created in the [~~Educational Apportionment~~
3 ~~Act~~] 2001 Educational Redistricting Act; and

4 (11) three members from a district consisting
5 of the state at large, one of whom shall be a member of a
6 tribe.

7 Members appointed from the board of education districts
8 and the state at large shall be appointed from their respective
9 districts for terms of six years. Commission members shall be
10 residents of the districts that they represent, and change of
11 residence of a commission member to a place outside the
12 district from which he was appointed automatically terminates
13 the term of that member. Appointments to fill vacancies shall
14 be made for the remainder of the unexpired term of the member
15 creating the vacancy. After having served for a full term of
16 six years, no member shall be appointed for a second full term
17 until two years have intervened.

18 B. The governor shall appoint two members, one
19 voting and one nonvoting, from among the student body
20 presidents, either graduate or undergraduate, of the university
21 of New Mexico, New Mexico state university, New Mexico
22 highlands university, western New Mexico university, eastern
23 New Mexico university, New Mexico institute of mining and
24 technology, New Mexico military institute, northern New Mexico
25 state school, New Mexico junior college, San Juan [~~junior~~]

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1 college and Santa Fe community college. The governor shall
2 appoint these student members to the commission in order that:

3 (1) their terms as student body presidents of
4 their respective universities, colleges or institutes coincide
5 with their membership on the commission;

6 (2) each university, college or institute is
7 represented on the commission every eleven years on a rotating
8 basis for two successive years, the first year by a nonvoting
9 member and the second year by a voting member. The first
10 eleven-year rotation schedule of universities, colleges or
11 institutes to serve on the commission shall be as follows and
12 shall be continued for subsequent rotation cycles:

13 (a) the first nonvoting member shall be
14 from New Mexico institute of mining and technology, and the
15 first voting member shall be from western New Mexico
16 university;

17 (b) the second nonvoting member shall be
18 from eastern New Mexico university, and the second voting
19 member shall be from New Mexico institute of mining and
20 technology;

21 (c) the third nonvoting member shall be
22 from New Mexico highlands university, and the third voting
23 member shall be from eastern New Mexico university;

24 (d) the fourth nonvoting member shall be
25 from New Mexico state university, and the fourth voting member

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1 shall be from New Mexico highlands university;

2 (e) the fifth nonvoting member shall be
3 from the university of New Mexico, and the fifth voting member
4 shall be from New Mexico state university;

5 (f) the sixth nonvoting member shall be
6 from New Mexico military institute, and the sixth voting member
7 shall be from the university of New Mexico;

8 (g) the seventh nonvoting member shall
9 be from northern New Mexico state school, and the seventh
10 voting member shall be from New Mexico military institute;

11 (h) the eighth nonvoting member shall be
12 from New Mexico junior college, and the eighth voting member
13 shall be from northern New Mexico state school;

14 (i) the ninth nonvoting member shall be
15 from San Juan [~~junior~~] college, and the ninth voting member
16 shall be from New Mexico junior college;

17 (j) the tenth nonvoting member shall be
18 from western New Mexico university, and the tenth voting member
19 shall be from San Juan [~~junior~~] college; and

20 (k) the eleventh nonvoting member shall
21 be from Santa Fe community college, and the eleventh voting
22 member shall be from western New Mexico university; and

23 (3) the appointed student body presidents
24 shall be residents of New Mexico; provided that in the event
25 that both the graduate and the undergraduate student body

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1 presidents of the selected university, college or institute are
2 nonresidents, the governor shall select a student body
3 president to serve in the nonvoting or voting capacity,
4 whichever is applicable, from the remaining eligible
5 universities, colleges or institutes and reorder the
6 appointments to effectuate the intent of this subsection.

7 C. In the event the selected university, college or
8 institute does not have a student body president, the governor
9 shall select a student body president to serve in the nonvoting
10 or voting capacity, whichever is applicable, from the remaining
11 eligible universities, colleges or institutes and reorder the
12 appointments to effectuate the intent of this subsection.

13 D. Members of the commission shall not be removed
14 except for incompetence, neglect of duty or malfeasance in
15 office. Provided, however, that no member shall be removed
16 without having first been given notice of hearing and an
17 opportunity to be heard. The senate shall be given exclusive
18 original jurisdiction over proceedings to remove members under
19 such rules as the senate may adopt. The senate's decision in
20 connection with such matters shall be final.

21 E. As used in this section, "tribe" means an Indian
22 nation, tribe or pueblo that is fully or partially contained in
23 the state."