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FISCAL IMPACT REPORT

ORIGINAL DATE 3/01/07

SPONSOR Ortiz y Pino LAST UPDATED _____ HB _____

SHORT TITLE Albuquerque School Board Election, CA SB SJR 18

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to SJR 9, HB 146, HJR 10, and HJR 3
Companion to SB 928

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 18 will submit to the public at the next general or special election, a proposed amendment to Article XII of the New Mexico Constitution repealing Section 15, and adding a new section which, if approved, will provide that in the first general election following adoption of the amendment, Albuquerque shall submit to the voters the question of whether the district should have a local school board consisting of four members elected from single-member districts and three members appointed by the mayor of Albuquerque and confirmed by the city council.

The amendment will require the legislature to enact laws to implement this section.

FISCAL IMPLICATIONS

There is no fiscal impact.

SIGNIFICANT ISSUES

Pursuant to Article 19, Section 1, a majority of both chambers of the Legislature must vote in favor of the resolution in order to amend the Constitution that will involve putting a question on the ballot for voters.

As this is a resolution to submit a proposed amendment to the New Mexico Constitution, the proposed change could only take effect if the public votes in favor of it. Should the amendment be voted for in the affirmative, this bill will raise serious issues regarding the taking away of a person's franchise (i.e., right to vote), as current law does not permit appointment of school board members. Article XII, Section 15 of the New Mexico Constitution currently provides as follows:

In those local school districts having a population of more than 200,000, as shown by the most recent decennial census, the qualified electors of the districts may choose to have a local school board composed of seven members, residents of and elected from single member districts.

If a majority of the qualified electors voting in such a district election vote to have a seven-member board, the school district shall be divided into seven local school board member districts which shall be compact, contiguous and as nearly equal in population as possible. One school board member shall reside within, and be elected from each local school board member district. Change of residence to a place outside the district from which a school board member was elected shall automatically terminate the service of that school board member and the office shall be declared vacant.

The school board member districts shall be established by resolution of the local school board with the approval of the state legislature, and may be changed once after each federal decennial census by the local school board with the approval of the state legislature.

The elections required under this amendment shall be called and conducted as provided by law for other local school board elections. The state board of education shall, by resolution, establish the terms of the first board elected after the creation of such a seven-member board.

This resolution is a companion resolution to SB 928, Election of Certain School District Boards, which presumably is the legislation mandated by this proposed constitutional amendment. However, this resolution only addresses Albuquerque and the bill speaks more broadly to districts with populations over 200,000, which could encompass additional districts in the future, as the population of the state grows.

This resolution also implicates Article IV, Section 24 of the New Mexico Constitution, which prohibits the legislature from passing local or special laws pertaining to elections.

ADMINISTRATIVE IMPLICATIONS

When this resolution is placed on the ballot, the existing staff dealing with elections can handle this resolution as part of ongoing responsibilities.

COMPANIONSHIP, RELATIONSHIP

This joint resolution relates to SJR 9, Increase School Board Size, HB 146 School Board Recall Petitions & Elections, HJR 10 School Board Recall Election Voters, and HJR 3, School Elections with General Elections.

This is a companion to SB 928 Election of Certain School District Boards. However, the timeframe for putting the question to the public conflicts in the two; the resolution calls for it to occur at the first general election following adoption of the amendment; the bill calls for that to occur no later than June 30, 2008 at a special election.

DW/csd