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HOUSE JOINT RESOLUTION 22
45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001
INTRODUCED BY
Earlene Roberts

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO ABOLISH THE STATE BOARD OF
EDUCATION AND CREATE A CABINET-LEVEL DEPARTMENT AND SEVEN-
MEMBER ADVISORY BOARD APPOINTED BY THE GOVERNOR.

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] The "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~~

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1 ~~accounting for all public schools, pursuant to authority and~~
2 ~~powers provided by law. The board] department" is created as a~~
3 cabinet department as provided by law. The governor shall
4 appoint, with the advice and consent of the senate, a
5 qualified, experienced educational administrator ~~[to be known~~
6 ~~as the superintendent of public instruction, who shall, subject~~
7 ~~to the policies established by the board]~~ as secretary of
8 public education to direct the operation of the ~~[state~~
9 ~~department of]~~ public education

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

17 ~~C. Five members of the state board of education who~~
18 ~~shall be state officers shall be nominated and by and with the~~
19 ~~consent of the senate appointed by the governor from five~~
20 ~~districts substantially equal in population for staggered~~
21 ~~four-year terms as provided by law. Those appointed by the~~
22 ~~governor shall be qualified electors of the state of New~~
23 ~~Mexico, no more than one-half or a simple majority of whom at~~
24 ~~the time of their appointment shall be members of the same~~
25 ~~political party. After 1990, the number of appointed members~~

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1 ~~may be changed by law not to exceed five members.~~

2 ~~D. The governor shall fill vacancies on the board~~
3 ~~by appointment of a resident from the district in which the~~
4 ~~vacancy occurs until the next regular election for membership~~
5 ~~on the board.~~

6 ~~E. Upon adoption of this amendment] department.~~

7 B. The governor shall appoint a seven-member
8 advisory board to provide advice to the public education
9 department.

10 C. All functions relating to the distribution of
11 school funds and financial accounting for the public schools
12 shall be transferred to the [~~state department of~~] public
13 education department to be performed as provided by law.

14 D. The state board of education shall cease to
15 exist and the terms of state board of education members shall
16 expire on December 31 of the year this amendment is adopted.
17 The state department of public education shall continue to
18 operate until legislation becomes law that creates the public
19 education department. "

20 Section 2. The amendment proposed by this resolution
21 shall be submitted to the people for their approval or
22 rejection at a special election that is called for that purpose
23 in 2001.