

HOUSE JOINT RESOLUTION 24

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Andrew Nunez

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 13 OF THE  
CONSTITUTION OF NEW MEXICO TO CHANGE THE NUMBER AND THE METHOD  
OF SELECTING MEMBERS OF THE BOARDS OF REGENTS OF STATE  
EDUCATIONAL INSTITUTIONS; PROVIDING FOR BOTH GUBERNATORIAL  
APPOINTMENT AND ELECTION TO THE BOARDS; RESTRICTING CHANGES IN  
POLITICAL PARTY AFFILIATION DURING CERTAIN PERIODS BY  
CANDIDATES FOR APPOINTMENT TO BOARDS OF REGENTS.

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

Section 1. It is proposed to amend Article 12, Section 13  
of the constitution of New Mexico to read:

"A. The legislature shall provide for the control  
and management of each of ~~[said]~~ the institutions ~~[except the  
university of New Mexico]~~ specified in Article 12, Section 11

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1 of the constitution of New Mexico by a board of regents for  
2 each institution. [~~consisting~~] Each board shall consist of  
3 [~~five~~] seven members, [~~four~~] six of whom shall be qualified  
4 electors of the state of New Mexico and one of whom shall be a  
5 member of the student body of the institution. [~~and no more~~  
6 ~~than three of whom at the time of their appointment shall be~~  
7 ~~members of the same political party; provided, however, that~~]  
8 The requirement for a student body member [~~provision in this~~  
9 ~~section shall~~] does not apply to the New Mexico school for the  
10 deaf, the New Mexico military institute, the northern New  
11 Mexico state school or the New Mexico school for the visually  
12 handicapped [~~and~~]. For each of those four institutions all  
13 [~~five~~] seven members of the board of regents shall be qualified  
14 electors of the state [~~of New Mexico~~].

15 B. The governor shall nominate and by and with the  
16 consent of the senate shall appoint [~~the~~] three members of each  
17 board of regents for each of [~~said~~] the institutions, and shall  
18 appoint, within the three members appointed, the student  
19 member, if there is a student-member seat on the particular  
20 board. He shall not appoint more than two members who are of  
21 the same political party. The terms of [~~said~~] the appointed  
22 nonstudent members [~~shall be for~~] are six years, [~~provided that~~  
23 ~~of the five first appointed the terms of two shall be for two~~  
24 ~~years, the terms for two shall be for four years and the term~~  
25 ~~of one shall be for six years.~~ Following the approval by the

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1 ~~voters of this amendment and upon the first vacancy of a~~  
2 ~~position held by a nonstudent member on each eligible~~  
3 ~~institution's board of regents, the governor shall nominate and~~  
4 ~~by and with the consent of the senate shall appoint a student~~  
5 ~~member to serve a two-year term]~~ and the terms of the student  
6 members are two years. Incumbent board members serving at the  
7 time of approval of this amendment shall serve for the terms  
8 for which they were appointed except as otherwise provided in  
9 this subsection. The governor shall appoint persons to fill  
10 the first two terms expiring on boards that include a student  
11 member and the first three terms expiring on boards that do not  
12 include a student member. The terms of the incumbent fourth  
13 and fifth members shall terminate upon certification of the  
14 results of the 2004 general election.

15 C. The governor shall ~~[select]~~ appoint, with the  
16 advice and consent of the senate, ~~[a]~~ the student member from a  
17 list provided by the president of the institution. In making  
18 the list, the president of the institution shall give due  
19 consideration to the recommendations of the student body  
20 president of the institution. ~~[The legislature shall provide~~  
21 ~~for the control and management of the university of New Mexico~~  
22 ~~by a board of regents consisting of seven members, six of whom~~  
23 ~~shall be qualified electors of the state of New Mexico, one of~~  
24 ~~whom shall be a member of the student body of the university of~~  
25 ~~New Mexico and no more than four of whom at the time of their~~

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1 ~~appointment shall be members of the same political party. The~~  
2 ~~governor shall nominate and by and with the consent of the~~  
3 ~~senate shall appoint the members of the board of regents. The~~  
4 ~~present five members shall serve out their present terms. The~~  
5 ~~two additional members shall be appointed in 1987 for terms of~~  
6 ~~six years. Following the approval by the voters of this~~  
7 ~~amendment and upon the first vacancy of a position held by a~~  
8 ~~nonstudent member on the university of New Mexico's board of~~  
9 ~~regents, the governor shall nominate and by and with the~~  
10 ~~consent of the senate shall appoint a student member to serve a~~  
11 ~~two-year term. The governor shall select, with the advice and~~  
12 ~~consent of the senate, a student member from a list provided by~~  
13 ~~the president of the university of New Mexico. In making the~~  
14 ~~list, the president of the university of New Mexico shall give~~  
15 ~~due consideration to the recommendations of the student body~~  
16 ~~president of the university.]~~

17 D. At the 2004 general election four members of the  
18 board of regents shall be elected on a nonpartisan basis with  
19 one member running in and being elected from each of the three  
20 congressional districts in the state and one member being  
21 elected from the state at-large. In the first election, the  
22 term of the at-large position shall be six years and the terms  
23 of the other three positions shall be one two-year term and two  
24 four-year terms, to be designated by drawing prior to the date  
25 that declarations of candidacy for those positions must be

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1 filed. Thereafter, members shall be elected for six- year  
2 terms. A vacancy occurring in an elected board member position  
3 shall be filled by appointment by the governor of a person to  
4 serve for the unexpired term. If the position is a  
5 congressional district position, the person appointed shall be  
6 a resident of that district.

7 E. Members of the board of regents shall not be  
8 removed except for incompetence, neglect of duty or malfeasance  
9 in office. Provided, however, no removal shall be made without  
10 notice of hearing and an opportunity to be heard having first  
11 been given [~~such~~] the member. The supreme court [~~of the state~~  
12 ~~of New Mexico is hereby given~~] has exclusive original  
13 jurisdiction over proceedings to remove members of the board  
14 under [~~such~~] rules [~~as~~] it may promulgate, and its decision in  
15 connection with [~~such~~] removal matters [~~shall be~~] is final.

16 F. A person is not eligible for appointment to a  
17 board of regents if he has changed his major party affiliation  
18 subsequent to the immediately preceding general election."

19 Section 2. The amendment proposed by this resolution  
20 shall be submitted to the people for their approval or  
21 rejection at the next general election or at any special  
22 election prior to that date which may be called for that  
23 purpose.  
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