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HOUSE JOINT RESOLUTION 4

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

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  
of the constitution of New Mexico by a board of regents for

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

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

14 B. The [~~governor~~] speaker of the house of  
15 representatives and the president pro tempore of the senate  
16 shall each nominate and, by and with the consent of the  
17 [~~senate~~] legislative body of which he is a member, shall  
18 appoint [~~the~~] two qualified electors as members of [~~each~~] the  
19 board of regents for each of [~~said~~] the institutions. The  
20 terms of [~~said~~] the nonstudent members [~~shall be for~~] are six  
21 years [~~provided that of the five first appointed the terms of~~  
22 ~~two shall be for two years, the terms for two shall be for~~  
23 ~~four years and the term of one shall be for six years.~~  
24 Following the approval by the voters of this amendment and  
25 upon the first vacancy of a position held by a nonstudent

underscored material = new  
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1 ~~member on each eligible institution's board of regents].~~ The  
2 governor shall nominate and, by and with the consent of the  
3 senate, shall appoint [a] the student member of a board of  
4 regents to serve a two-year term. The governor shall also  
5 nominate and, by and with the advice and consent of the  
6 senate, appoint three qualified-electors to those boards of  
7 regents not having a student member and two qualified electors  
8 to those boards having a student member. Incumbent board  
9 members serving at the time of approval of this amendment  
10 shall serve for the terms for which they were appointed.

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

underscored material = new  
[bracketed material] = delete

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

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

24 E. A person is not eligible for appointment to a  
25 board of regents if he has changed his major party affiliation

1 subsequent to the immediately preceding general election."

2 Section 2. The amendment proposed by this resolution  
3 shall be submitted to the people for their approval or  
4 rejection at the next general election or at any special  
5 election prior to that date that may be called for that  
6 purpose.

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