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HOUSE JOINT RESOLUTION 17

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

INTRODUCED BY

Mimi Stewart

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF  
NEW MEXICO TO PROVIDE FOR A CABINET-LEVEL PUBLIC EDUCATION  
DEPARTMENT AND AN APPOINTED ADVISORY BOARD.

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~~] public education [~~and a "state board of education".~~—The  
~~state board of education shall determine~~] department" to carry  
out public school policy and vocational educational policy and  
[~~shall~~] to have control, management and direction, including  
financial direction, distribution of school funds and financial  
accounting for all public schools, pursuant to authority and  
powers provided by law. The [~~board~~] governor, with the advice

underscored material = new  
[bracketed material] = delete

1 and consent of the senate, shall appoint a qualified,  
2 experienced ~~[educational administrator]~~ educator to be known as  
3 the ~~[superintendent of public instruction]~~ secretary of public  
4 education, who shall ~~[subject to the policies established by~~  
5 ~~the board]~~ direct the operation of the ~~[state department of]~~  
6 public education department.

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

14 ~~C. Five members of the state board of education who~~  
15 ~~shall be state officers shall be nominated and by and with the~~  
16 ~~consent of the senate appointed by the governor from five~~  
17 ~~districts substantially equal in population for staggered~~  
18 ~~four-year terms as provided by law. Those appointed by the~~  
19 ~~governor shall be qualified electors of the state of New~~  
20 ~~Mexico, no more than one-half or a simple majority of whom at~~  
21 ~~the time of their appointment shall be members of the same~~  
22 ~~political party. After 1990, the number of appointed members~~  
23 ~~may be changed by law not to exceed five members.~~

24 ~~D. The governor shall fill vacancies on the board~~  
25 ~~by appointment of a resident from the district in which the~~

underscored material = new  
[bracketed material] = delete

1 ~~vacancy occurs until the next regular election for membership~~  
2 ~~on the board.~~

3 ~~E. Upon adoption of this amendment, all functions~~  
4 ~~relating to the distribution of school funds and financial~~  
5 ~~accounting for the public schools shall be transferred to the~~  
6 ~~state department of public education to be performed as~~  
7 ~~provided by law.]~~

8 B. The governor shall appoint a "public education  
9 board" to advise the governor, the secretary and the  
10 legislature on public education policies and issues. The  
11 number, selection and terms of members shall be as provided by  
12 law. "

13 Section 2. The amendment proposed by this resolution  
14 shall be submitted to the people for their approval or  
15 rejection at the next general election or at any special  
16 election prior to that date that may be called for that  
17 purpose.