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HOUSE JOINT RESOLUTION 21

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Earlene Roberts

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 13 OF THE
CONSTITUTION OF NEW MEXICO TO GRANT THE LEGISLATURE AUTHORITY
OVER THE BOARDS OF REGENTS AT HIGHER EDUCATIONAL INSTITUTIONS
FOR THE PURPOSE OF DISTANCE EDUCATION PROGRAMS.

BE IT ENACTED 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. Except as provided in Subsection D of this
section, the legislature shall provide for the control and
management of each of [~~said~~] the institutions, except the
university of New Mexico, by a board of regents for each
institution, consisting of five members, four of whom shall be
qualified electors of the state of New Mexico, one of whom
shall be a member of the student body of the institution and

underscored material = new
[bracketed material] = delete

underscored material = new
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1 no more than three of whom at the time of their appointment
2 shall be members of the same political party; provided,
3 however, that the student body member provision in this
4 section shall not apply to the New Mexico school for the deaf,
5 the New Mexico military institute, the northern New Mexico
6 state school or the New Mexico school for the visually
7 handicapped, and for each of those four institutions all five
8 members of the board of regents shall be qualified electors of
9 the state of New Mexico. The governor shall nominate and by
10 and with the consent of the senate shall appoint the members
11 of each board of regents for each of said institutions. The
12 terms of said nonstudent members shall be for six years,
13 provided that of the five first appointed the terms of two
14 shall be for two years, the terms for two shall be for four
15 years, and the term of one shall be for six years. Following
16 the approval by the voters of this amendment and upon the
17 first vacancy of a position held by a nonstudent member on
18 each eligible institution's board of regents, the governor
19 shall nominate and by and with the consent of the senate shall
20 appoint a student member to serve a two-year term. The
21 governor shall select, with the advice and consent of the
22 senate, a student member from a list provided by the president
23 of the institution. In making the list, the president of the
24 institution shall give due consideration to the
25 recommendations of the student body president of the

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1 institution.

2 B. Except as provided in Subsection D of this
3 section, the legislature shall provide for the control and
4 management of the university of New Mexico by a board of
5 regents consisting of seven members, six of whom shall be
6 qualified electors of the state of New Mexico, one of whom
7 shall be a member of the student body of the university of New
8 Mexico and no more than four of whom at the time of their
9 appointment shall be members of the same political party. The
10 governor shall nominate and by and with the consent of the
11 senate shall appoint the members of the board of regents. The
12 present five members shall serve out their present terms. The
13 two additional members shall be appointed in 1987 for terms of
14 six years. Following the approval by the voters of this
15 amendment and upon the first vacancy of a position held by a
16 nonstudent member on the university of New Mexico's board of
17 regents, the governor shall nominate and by and with the
18 consent of the senate shall appoint a student member to serve
19 a two-year term. The governor shall select, with the advice
20 and consent of the senate, a student member from a list
21 provided by the president of the university of New Mexico. In
22 making the list, the president of the university of New Mexico
23 shall give due consideration to the recommendations of the
24 student body president of the university.

25 C. Members of the board shall not be removed

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1 except for incompetence, neglect of duty or malfeasance in
2 office. Provided, however, no removal shall be made without
3 notice of hearing and an opportunity to be heard having first
4 been given such member. The supreme court of the state of New
5 Mexico is hereby given exclusive original jurisdiction over
6 proceedings to remove members of the board under such rules as
7 it may promulgate, and its decision in connection with such
8 matters shall be final.

9 D. The legislature may provide by law for distance
10 learning curricula. "

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