

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTIONS 11 & 17

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

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE  
CONSTITUTION OF NEW MEXICO TO CHANGE THE STATE DEPARTMENT OF  
PUBLIC EDUCATION TO A CABINET DEPARTMENT HEADED BY A SECRETARY  
OF PUBLIC EDUCATION WHO SHALL SERVE IN THE EXECUTIVE CABINET.

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 department" 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~~

1 ~~accounting for all public schools, pursuant to authority and~~  
2 ~~powers provided by law. The board shall appoint a qualified,~~  
3 ~~experienced educational administrator to be known as the~~  
4 ~~superintendent of public instruction who shall, subject to the~~  
5 ~~policies established by the board, direct] department shall be~~  
6 ~~a cabinet department headed by a secretary of public education~~  
7 ~~who is a qualified, experienced educational administrator and~~  
8 ~~who shall be appointed by the governor and confirmed by the~~  
9 ~~senate. The governor shall consider recommendations of the~~  
10 ~~state board of education when naming the secretary. The~~  
11 ~~operation of the [state department of] public education~~  
12 ~~department shall be as provided by law.~~

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

20 [~~C. Five members of the state board of education~~  
21 ~~who shall be state officers shall be nominated and by and with~~  
22 ~~the consent of the senate appointed by the governor from five~~  
23 ~~districts substantially equal in population for staggered~~  
24 ~~four-year terms as provided by law. Those appointed by the~~  
25

~~governor shall be qualified electors of the state of New Mexico, no more than one half or a simple majority of whom at the time of their appointment shall be members of the same political party. After 1990, the number of appointed members may be changed by law not to exceed five members.~~

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

~~[E. Upon adoption of this amendment]~~

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

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

underscoring material = new  
[bracketed material] = delete