

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION 4

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

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 AND
LEGISLATIVE APPOINTMENT; 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

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 than
5 [three] four 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~~

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~~

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 F. Vacancies due to death or resignation shall be filled
 3 by the original appointing authority to fill out the remainder
 4 of the term.

5 G. One each of the two new regent positions created by
 6 this 2002 amendment for the educational institutions other
 7 than the university of New Mexico shall be filled by the
 8 speaker of the house of representatives and the president pro
 9 tempore of the senate. One each of the first two vacancies,
 10 not including the student position, due to the expiration of
 11 terms after the passage of this 2002 amendment, shall be
 12 filled by appointment by the speaker of the house of
 13 representatives and the president pro tempore of the senate.
 14 The first four vacancies on the board of regents of the
 15 university of New Mexico, not including the student position,
 16 arising due to the expiration of terms shall be appointed two
 17 each by the speaker of the house of representatives and the
 18 president pro tempore of the senate."

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 that may be called for that
 23 purpose.