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SENATE JOINT RESOLUTION 16

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

INTRODUCED BY

Shirley M Bailey

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE  
CONSTITUTION OF NEW MEXICO TO CHANGE THE STATE BOARD OF  
EDUCATION TO AN APPOINTED BOARD AND 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 [~~"and a "state board of education". The  
state board of education~~] department" within the executive  
department, headed by a secretary of public education who  
shall be appointed by the governor with the consent of the

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1 senate. The public education department shall determine  
2 public school policy and vocational educational policy and  
3 shall have control, management and direction [~~including~~  
4 ~~financial direction, distribution of school funds and~~  
5 ~~financial accounting for all public schools~~] pursuant to  
6 authority and powers provided by law. The [~~board shall~~  
7 ~~appoint a qualified, experienced educational administrator to~~  
8 ~~be known as the superintendent~~] secretary of public  
9 [~~instruction, who~~] education shall [~~subject to the policies~~  
10 ~~established by the board~~] direct the operation of the [~~state~~  
11 ~~department of~~] public education department as provided by law.

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

19 ~~C.—Five members of the state board of education~~  
20 ~~who shall be state officers shall be nominated and by and with~~  
21 ~~the consent of the senate appointed by the governor from five~~  
22 ~~districts substantially equal in population for staggered~~  
23 ~~four-year terms as provided by law. Those appointed by the~~  
24 ~~governor shall be qualified electors of the state of New~~  
25 ~~Mexico, no more than one-half or a simple majority of whom at~~

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1 ~~the time of their appointment shall be members of the same~~  
2 ~~political party. After 1990, the number of appointed members~~  
3 ~~may be changed by law not to exceed five members.~~

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

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

9 B. The governor shall appoint an advisory "state  
10 board of education" as provided by law.

11 C. The state board of education in existence at  
12 the time of adoption of this amendment shall cease to exist  
13 and the terms of state board of education members shall expire  
14 on December 31 of the year this amendment is adopted.

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

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.