

HOUSE JOINT RESOLUTION 9

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR THE ELECTION, APPOINTMENT AND QUALIFICATIONS OF MEMBERS OF BOARDS OF REGENTS OF THE UNIVERSITY OF NEW MEXICO AND NEW MEXICO STATE UNIVERSITY.

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 and New Mexico state university, 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 no more than three of whom at the

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1 time of their appointment shall be members of the same
2 political party; provided, however, that the student body
3 member provision in this section shall not apply to the New
4 Mexico school for the deaf, the New Mexico military institute,
5 the northern New Mexico state school or the New Mexico school
6 for the blind and visually [~~handicapped~~] impaired, and for each
7 of those four institutions all five members of the board of
8 regents shall be qualified electors of the state of New Mexico.
9 The governor shall nominate and by and with the consent of the
10 senate shall appoint the members of each board of regents for
11 each of [~~said~~] the institutions. The terms of [~~said~~] the
12 nonstudent members shall be for six years, provided that of the
13 five first appointed the terms of two shall be for two years,
14 the terms for two shall be for four years, and the term of one
15 shall be for six years. [~~Following the approval by the voters~~
16 ~~of this amendment and~~] Upon the first vacancy of a position
17 held by a nonstudent member on each eligible institution's
18 board of regents, the governor shall nominate and by and with
19 the consent of the senate shall appoint a student member to
20 serve a two-year term. The governor shall select, with the
21 advice and consent of the senate, a student member from a list
22 provided by the president of the institution. In making the
23 list, the president of the institution shall give due
24 consideration to the recommendations of the student body
25 president of the institution.

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

24 (1) three members, one elected by the
25 qualified electors of each congressional district in a

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1 nonpartisan election as provided by law;

2 (2) two members from the county in which the
3 main campus of the university is located appointed by the
4 governor with the advice and consent of the senate;

5 (3) one student member appointed by the other
6 regents from a list of names provided by the governing body of
7 the student body after consultation with the student body as a
8 whole, or, if there is more than one student body, by the
9 governing bodies of those student bodies after consultation
10 with those student bodies, of the university, and with the
11 advice and consent of the senate; and

12 (4) one member who is a faculty member
13 appointed by the other regents from a list provided by the
14 faculty senate after consultation with the faculty of the
15 university and with the advice and consent of the senate.

16 C. Elected members for the university of New Mexico
17 and New Mexico state university shall serve staggered four-year
18 terms; provided that after the first election, elected members
19 of each board shall draw lots to determine which member shall
20 serve a term of two years and which member shall serve a term
21 of four years. The appointed nonstudent, nonfaculty members of
22 each board shall serve staggered terms of four years by drawing
23 lots as provided for elected members, except that the lots
24 shall determine which member shall serve an initial term of two
25 years and which member shall serve an initial term of four

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1 years. The student member shall serve a term of two years. The
2 faculty member shall serve one four-year term and be succeeded
3 by a faculty member from a different college within the
4 university. No member shall serve more than two terms. The
5 legislature shall provide by law for the election or
6 appointment of and qualifications for the nonstudent,
7 nonfaculty members.

8 D. Members of [~~the~~] a board of regents shall not be
9 removed except for incompetence, neglect of duty or malfeasance
10 in office. Provided, however, no removal shall be made without
11 notice of hearing and an opportunity to be heard having first
12 been given such member. The supreme court of the state of New
13 Mexico is hereby given exclusive original jurisdiction over
14 proceedings to remove members of the board under such rules as
15 it may promulgate, and its decision in connection with such
16 matters shall be final."

17 SECTION 2. The amendment proposed by this resolution
18 shall be submitted to the people for their approval or
19 rejection at the next general election or at any special
20 election prior to that date that may be called for that
21 purpose.