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HOUSE JOINT RESOLUTION 13

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

KIP W. NICELY

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO ABOLISH THE STATE BOARD OF
EDUCATION.

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 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 accounting for all public schools,
pursuant to authority and powers provided by law. The board
shall appoint a qualified, experienced educational administrator~~

Underscored material = new
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1 ~~to be known as the superintendent of public instruction, who~~
2 ~~shall, subject to the policies established by the board direct~~
3 ~~the operation of the state department of public education]~~
4 within the executive department headed by a secretary appointed
5 by the governor with the consent of the senate.

6 [B. ~~Ten members of the state board of education who~~
7 ~~shall be state officers shall be elected for staggered terms of~~
8 ~~four years as provided by law. Board members shall be residents~~
9 ~~of the board of education district from which they are elected.~~
10 ~~Change of residence of a board member to a place outside the~~
11 ~~district from which he was elected shall automatically terminate~~
12 ~~the term of that member.~~

13 C. ~~Five members of the state board of education who~~
14 ~~shall be state officers shall be nominated and by and with the~~
15 ~~consent of the senate appointed by the governor from five~~
16 ~~districts substantially equal in population for staggered four-~~
17 ~~year terms as provided by law. Those appointed by the governor~~
18 ~~shall be qualified electors of the state of New Mexico, no more~~
19 ~~than one half or a simple majority of whom at the time of their~~
20 ~~appointment shall be members of the same political party. After~~
21 ~~1990, the number of appointed members may be changed by law not~~
22 ~~to exceed five members.~~

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

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~~board.~~

~~E. Upon adoption of this amendment, 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 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.