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HOUSE JOINT RESOLUTION 23

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Timothy E. Macko

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO ABOLISH THE STATE BOARD OF
EDUCATION AND CREATE A SECRETARY 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]~~ within the executive department
headed by a secretary appointed by the governor with the
consent of the senate. The state department of public
education shall determine public school policy and vocational
educational policy and shall have control, management [~~and~~]
direction, including financial direction, distribution of

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 school funds and financial accounting for all public schools,
2 pursuant to authority and powers provided by law. [~~The board~~
3 ~~shall appoint a qualified, experienced educational~~
4 ~~administrator to be known as the superintendent of public~~
5 ~~instruction, who shall, subject to the policies established by~~
6 ~~the board~~] The secretary shall direct the operation of the
7 state department of public education.

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

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

25 D. ~~The governor shall fill vacancies on the board~~

1 ~~by appointment of a resident from the district in which the~~
2 ~~vacancy occurs until the next regular election for membership~~
3 ~~on the board.~~

4 E.] B. Upon adoption of this amendment, all
5 functions relating to the distribution of school funds and
6 financial accounting for the public schools shall be
7 transferred to the state department of public education to be
8 performed as provided by law. "

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