

<b>LFC Requester:</b>	<b>Rachel Gudgel</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** January 21, 2015  
**Bill No:** HJR 4

**Sponsor:** Rep. Roberto J. Gonzales    **Agency Code:** Attorney General's Office  
**Short**    BOARD OF EDUCATION    **Person Writing**    Joshua R. Granata, AAG  
**Title:**    & SUPERINTENDENT, CA    **Phone:** 827-6088    **Email**    jgranata@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis:

House Joint Resolution is a proposed amendment to the New Mexico constitution. Article 12, Section 6 would be amended to eliminate the Public Education Commission (PEC) and create a thirteen-member State Board of Education (Board). Current members of the PEC would become members of the Board with the additional three Board members appointed by the governor and confirmed by the senate. The Board would assume the duties and responsibilities of the Public Education Department as well as those of the PEC.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

If House Joint Resolution is approved by voters at the next general election, or a special election, there will need to be substantial revisions to the Public School Code.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

See above.

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**Status quo**

**AMENDMENTS**

The proposed constitutional amendment seems to limit the duties of the newly created Board to only: “determine public school policy, distribute public school funds, and control, manage and direct the public education department and the administration, operation and finance of public school as provided by law.” In order to not limit the duties of the Board, the language in Section 1(A) could be amended to read, “There is hereby created a “public education department” and thirteen-member “state board of education” **that shall have powers and duties as provided by law.** (Bold text was struck out in HJR 4).