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A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE CONSTITUTION OF NEW MEXICO TO TRANSFER THE STATE DEPARTMENT OF PUBLIC EDUCATION TO A CABINET DEPARTMENT HEADED BY A SECRETARY OF PUBLIC EDUCATION WHO SHALL SERVE IN THE EXECUTIVE CABINET AND TO CREATE AN ELECTED PUBLIC EDUCATION COMMISSION.

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 "public education department" and a "public education commission" that shall have such powers and duties as provided by law. The department shall be a cabinet department headed by a secretary of public education who is a qualified, experienced educator who shall be appointed by the governor and confirmed by the senate.

B. Ten members of the public education commission shall be elected for staggered terms of four years as provided by law. Commission members shall be residents of the public education commission district from which they are elected. Change of residence of a commission member to a place outside the district from which he was elected shall automatically terminate the term of that member.

C. The governor shall fill vacancies on the commission by appointment of a resident from the district in which the vacancy occurs until the next regular election for membership on the commission.

D. The secretary of public education shall have administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial accounting for the public schools to be performed as provided by law.

E. The elected members of the 2003 state board of education shall constitute the public education commission, if this amendment is approved, until their

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1 terms expire and the districts from which the state board of education were elected
2 shall constitute the state public education commission districts until changed by law."

3 Section 2. The amendment proposed by this resolution shall be submitted to
4 the people for their approval or rejection at the next general election or at any special
5 election prior to that date that may be called for that purpose.

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