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AN ACT
RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING FOR A TRANSITION PERIOD FOR THE ADMINISTRATION OF
PUBLIC SCHOOLS PURSUANT TO THE PUBLIC SCHOOL CODE CONTINGENT
UPON THE ADOPTION OF A CERTAIN CONSTITUTIONAL AMENDMENT;
REPEALING CERTAIN ARTICLES OF THE PUBLIC SCHOOL CODE
EFFECTIVE JULY 1, 2004.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. TEMPORARY PROVISION. --Until July 1, 2004:

A. all references in law to the state board of education or to the superintendent of public instruction shall mean the secretary of public education appointed by the governor pursuant to Article 12, Section 6 of the constitution of New Mexico. The secretary of public education shall perform those duties and exercise those powers provided by law for the superintendent of public instruction or the state board of education and may expend, for the original purpose, appropriations authorized for expenditure by the superintendent of public instruction or the state board of education; provided, however, that:

(1) the secretary shall not establish new policy for the public schools without first consulting with the public education commission; and

(2) the secretary may expend so much of the

1 appropriations to the public education department as are
2 necessary for the expenses of the public education
3 commission; and

4 B. all references in law to the state department
5 of public education shall mean the public education
6 department created by Article 12, Section 6 of the
7 constitution of New Mexico. The public education department
8 shall consist of the same personnel and property and shall
9 perform those duties and exercise those powers provided by
10 law for the state department of public education and may
11 expend, for the original purpose, appropriations authorized
12 for expenditure by the state department of public education.

13 Section 2. DELAYED REPEAL. -- Effective July 1, 2004,
14 Articles 1, 2, 13, 13A and 15 of Chapter 22 NMSA 1978 are
15 repealed.

16 Section 3. CONTINGENCY. -- The provisions of this act
17 are
18 contingent upon the adoption by the people of the amendment
19 to
20 Article 12, Section 6 of the constitution of New Mexico as
21 proposed by Senate Education Committee Substitute for Senate
22 Joint Resolutions 2, 5, 12 and 21 or a similar proposal of
23 the
24 first session of the forty-sixth legislature. _____
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