



**STATE OF NEW MEXICO  
PUBLIC EDUCATION COMMISSION**

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To: Public Education Commission (PEC)  
From: Julia Barnes, PEC Attorney  
Dr. Brigitte Russell, Interim Director, Charter Schools Division (CSD)  
RE: PEC Representation on State Library Commission  
Date: August 21, 2025

The PEC requested statutory authority for PEC representation on the New Mexico State Library Commission.

New Mexico Statutes Annotated (NMSA) 1978 reads:

**18-2-1** There is created a "New Mexico state library commission," composed of five members, which shall have its headquarters at the state capitol. Four members of the commission shall be appointed by the governor from among resident citizens of the state interested in and informed with regard to library conditions, the appointees insofar as practicable to represent different sections of the state. Two of the members shall be originally appointed for a term of two years; one member shall be originally appointed for a term of four years; and one member shall be originally appointed for a term of six years. After the expiration of the original appointments, all appointments shall be for terms of six years. **The fifth member of the commission shall be a member of the state board of education chosen by vote of the board's membership.** The term of the fifth member shall be for so long as he serves on the state board of education, but not to exceed six years.

The statutory requirement is for a member of the State Board of Education to be a member, but the State Board of Education ceased to exist with the legislation (NMSA 22-2-1) that created the Department of Public Education as a cabinet agency with a Secretary appointed by the Governor. When the State Board of Education ended, the Public Education Commission was created with State Board of Education members being the first commissioners. The argument could be made either that a Public Education Commissioner

- *is* required to serve on the State Library Commission because the PEC stands in the place of the defunct State Board of Education, or
- *is not* required to serve because the statute specifies the State Board of Education, not the PEC, and since other functions of the State Board of Education have passed to the Public Education Department (PED), that member should be appointed by the Secretary of the PED.

The PEC is created to provide functions as authorized by law (NMSA 9-24-9A.). The primary duty of the PEC is as the state charter school authorizer. (Article 8B, Charter School Act). The liaison roles for other entities that the PEC members serve on or follow are more directly linked to the role as a state authorizer. The role of liaison to the library commission is arguably more relevant to the PED, not the PEC.