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SENATE BILL 308

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Linda M Lopez

AN ACT

RELATING TO HIGHER EDUCATION; PROVIDING PROCEDURES FOR ADDING PORTIONS OF SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL INSTITUTE DISTRICTS.

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

Section 1. Section 21-16-14 NMSA 1978 (being Laws 1963, Chapter 108, Section 11, as amended) is amended to read:

"21-16-14. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL INSTITUTE DISTRICTS. --

A. ~~[Any]~~ A technical and vocational institute district may be expanded by either the procedure in Subsections B, C and D of this section or the procedure in Subsections E and F of this section.

B. The qualified voters of a school district,

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1 portion of a school district, group of school districts within
2 a county containing a technical and vocational institute
3 district or [~~school districts~~] in an adjoining county, not
4 included in the technical and vocational institute district as
5 originally formed, may petition the [~~state board of~~] public
6 education department to be added to the technical and
7 vocational institute district. The [~~state board of education~~]
8 department shall examine the petition, and, if it finds that
9 the petition is signed by [~~the requisite number of qualified~~
10 ~~voters as provided in Section 21-16-3 NMSA 1978~~] a number of
11 qualified voters residing within the pertinent school district
12 or portion of a school district equal to ten percent of the
13 votes cast for governor in such school district or portion of
14 such school district in the last preceding general election,
15 the [~~state board of education~~] department shall cause a survey
16 to be made of the petitioning district or districts to
17 determine the desirability of the proposed [~~extension of the~~
18 ~~area~~] expansion of the technical and vocational institute
19 district.

20 [B.] C. In conducting the survey, the [~~state board~~
21 ~~of education~~] department, in conjunction with the commission on
22 higher education, shall ascertain the attitude of the technical
23 and vocational institute board and collect other information
24 [~~as prescribed in Section 21-16-3 NMSA 1978~~] it deems
25 necessary. If on the basis of the survey the [~~state board of~~

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1 ~~education]~~ department finds that the proposed addition of the
2 ~~[school district or districts]~~ petitioning area will promote an
3 improved education service in the area, it shall approve the
4 petition. ~~[Thereafter]~~ The ~~[state board of education]~~
5 secretary of public education shall proceed to call an election
6 within the petitioning ~~[school district or districts]~~ area and
7 in the established technical and vocational institute district
8 on the question of the inclusion of the petitioning area in the
9 institute district.

10 ~~[C.]~~ D. If ~~[it appears on canvass of the results of~~
11 ~~the election that]~~ a majority of the votes cast in ~~[each of]~~
12 the petitioning ~~[school districts]~~ area and a majority of the
13 votes cast within the established institute district ~~[was]~~ are
14 in favor of the addition of the ~~[petitioning school district or~~
15 ~~districts]~~ area, the ~~[state board of education]~~ department
16 shall notify the local school board of each affected school
17 district and the technical and vocational institute board of
18 the results of the election and shall declare the extension of
19 the boundaries of the institute district to include the
20 petitioning ~~[school district or districts]~~ area in which the
21 proposed addition referendum carried by a majority vote.

22 E. If a technical and vocational institute district
23 includes less than all of a school district, the institute
24 board, by resolution of a majority of the members of the board,
25 may call an election within the institute district and in the

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1 portion of the school district that is not included in the
2 institute district on the question of the addition of the
3 excluded portion of the school district to the established
4 institute district. Except where specific provision is
5 otherwise provided by law, such election shall be conducted
6 pursuant to the provisions of the School Election Law, with the
7 president of the institute district serving in the place of the
8 superintendent of schools in every case; provided that:

9 (1) the election may be held in conjunction
10 with a regular election or as a special election;

11 (2) if a precinct lies partly within and
12 partly outside the institute district, the parts of the
13 precinct within and outside the institute district shall
14 constitute separate precincts for purposes of the election; and

15 (3) precincts may be consolidated for purposes
16 of administrative convenience.

17 F. If a majority of the votes cast in the institute
18 district and the portion of the school district that is outside
19 the institute district are in favor of the addition of the
20 excluded portion of the school district to the institute
21 district, the board of the institute district shall declare the
22 institute district to be expanded to include all of such school
23 district.

24 [D.] G. Each [school district] area added to [any]
25 an existing technical and vocational institute district shall

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1 automatically be subject to any special levy on taxable
2 property approved for the institute district for the
3 maintenance of facilities and services and for support of bond
4 issues. "

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