AN ACT

RELATING TO HIGHER EDUCATION; REQUIRING AN ELECTION IN A SCHOOL DISTRICT PARTIALLY WITHIN A TECHNICAL AND VOCATIONAL INSTITUTE DISTRICT; PROVIDING FOR READJUSTMENT OF DISTRICT BOUNDARIES; CLARIFYING ELECTION PROCEDURES.

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 TO EXISTING TECHNICAL AND VOCATIONAL INSTITUTE DISTRICTS--<u>WITHDRAWAL OF SCHOOL DISTRICTS</u>.--

A. Any school district, group of school districts within a county or school districts in an adjoining county not included in the technical and vocational institute district as originally formed, may petition the [state board of] <u>public</u>

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1   education <u>department</u> to be added to the technical and

2   vocational institute district.   The [state board of education]

3   <u>department</u> shall examine the petition, and, if it finds that

4   the petition is signed by [the requisite number of qualified

5   voters as provided in Section 21-16-3 NMSA 1978, the state

6   board of education] <u>a number of voters residing within each</u>

7   <u>school district equal to ten percent or more of the votes cast</u>

8   <u>for governor in each school district in the last general</u>

9   <u>election, the department</u> shall cause a survey to be made of

10   [the] <u>each</u> petitioning district [or districts] to determine the

11   desirability of the proposed extension of the area of the

12   technical and vocational institute district.

13   B.   In conducting the survey, the [state board of]

14   <u>public</u> education <u>department</u>, in conjunction with the commission

15   on higher education, shall ascertain the attitude of the

16   technical and vocational institute board and collect other

17   information [as prescribed in Section 21-16-3 NMSA 1978] <u>it</u>

18   <u>deems appropriate</u>.   If on the basis of the survey the [state

19   board of education] <u>department</u> finds that the proposed addition

20   of the school district or districts will promote an improved

21   education service in the area, it shall approve the petition.

22   Thereafter, the [state board of education] <u>department</u> shall

23   proceed to call an election within [the] <u>each</u> petitioning

24   school district [or districts] and in the established technical

25   and vocational institute district on the question of the

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1   inclusion of the area in the institute district.   The election

2   shall be called, conducted and canvassed as provided in the

3   School Election Law except that the secretary of public

4   education shall serve in place of the superintendent.

5   C.   If [it appears on canvass of the results of the

6   election that] a majority of the votes cast in each of the

7   petitioning school districts and within the established

8   institute district was in favor of the addition of the

9   petitioning school district or districts, the [state board of]

10   public education department shall notify the local school board

11   of each school district and the technical and vocational

12   institute board of the results of the election and shall

13   declare the extension of the boundaries of the institute

14   district to include the petitioning school district or

15   districts in which the proposed addition referendum carried by

16   a majority vote.

17   D.   Each school district added to any existing

18   technical and vocational institute district shall automatically

19   be subject to any special levy on taxable property approved for

20   the institute district for the maintenance of facilities and

21   services and for support of bond issues.

22   E.   In any school district, the entire area of which

23   is not wholly within a technical and vocational institute

24   district, and which has not held an election by the voters

25   residing within the entire school district on the question of

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1   whether the school district should be a part of the technical

2   and vocational institute district, an election shall be held to

3   vote on the question. The election shall be conducted as part

4   of the next regularly scheduled election for the board of

5   education of the school district by placing on the ballot the

6   question of whether the area of the entire school district

7   should be included in the technical and vocational institute

8   district.

9   F. If a majority of the votes cast in the school

10   district is in favor of the inclusion of the area of the entire

11   school district in the technical and vocational institute

12   district, the public education department shall notify the

13   technical and vocational institute board of the results of the

14   election and shall declare the extension of the boundaries of

15   the technical and vocational institute district to include the

16   area of the entire school district on the next succeeding

17   July 1. Property in a school district added pursuant to this

18   subsection shall automatically be subject to any special levy

19   on taxable property as any other property within the technical

20   and vocational institute district.

21   G. If a majority of the votes cast in the school

22   district is against the inclusion of the area of the entire

23   school district in the technical and vocational institute

24   district, the public education department shall notify the

25   technical and vocational institute board of the results of the

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election and shall declare the withdrawal of the school

district from the boundaries of the technical and vocational

institute district effective on the next succeeding July 1.

   H. The territory of a school district withdrawn

from a technical and vocational institute district as provided

in Subsection G of this section shall continue to be subject to

any special levy on taxable property for the technical and

vocational institute district, for the maintenance of

facilities and services and for support of bond issues,

approved during the time that territory was a part of the

technical and vocational institute district and before the

election provided for in Subsection E of this section."

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