

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. 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, portion of a school district, group of school districts within a county containing a technical and vocational institute district or in an adjoining county, not included in the technical and vocational institute district as originally formed, may petition the public education department to be added to the technical and vocational institute district. The department shall examine the petition, and, if it finds that the petition is signed by a number of qualified voters residing within the pertinent school district or portion of a

school district equal to ten percent of the votes cast for governor in such school district or portion of such school district in the last preceding general election, the department shall cause a survey to be made of the petitioning district or districts to determine the desirability of the proposed expansion of the technical and vocational institute district.

C. In conducting the survey, the department, in conjunction with the commission on higher education, shall ascertain the attitude of the technical and vocational institute board and collect other information it deems necessary. If on the basis of the survey the department finds that the proposed addition of the petitioning area will promote an improved education service in the area, it shall approve the petition. The secretary of public education shall proceed to call an election within the petitioning area and in the established technical and vocational institute district on the question of the inclusion of the petitioning area in the institute district.

D. If a majority of the votes cast in the petitioning area and a majority of the votes cast within the established institute district are in favor of the addition of the area, the department shall notify the local school board of each affected school district and the technical and vocational institute board of the results of the election and

shall declare the extension of the boundaries of the institute district to include the petitioning area in which the proposed addition referendum carried by a majority vote.

E. If a technical and vocational institute district includes less than all of a school district, the institute board, by resolution of a majority of the members of the board, may call an election within the institute district and in the portion of the school district that is not included in the institute district on the question of the addition of the excluded portion of the school district to the established institute district. Except where specific provision is otherwise provided by law, such election shall be conducted pursuant to the provisions of the School Election Law, with the president of the institute district serving in the place of the superintendent of schools in every case; provided that:

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

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

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

F. If a majority of the votes cast in the

institute district and the portion of the school district that is outside the institute district are in favor of the addition of the excluded portion of the school district to the institute district, the board of the institute district shall declare the institute district to be expanded to include all of such school district.

G. Each area added to an existing technical and vocational institute district shall automatically be subject to any special levy on taxable property approved for the institute district for the maintenance of facilities and services and for support of bond issues." \_\_\_\_\_