

1 SENATE BILL 679

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO HIGHER EDUCATION; APPLYING PROCEDURES FOR EXPANDING
12 COMMUNITY COLLEGE DISTRICTS AND TECHNICAL AND VOCATIONAL
13 INSTITUTE DISTRICTS; AMENDING, REPEALING AND RECOMPILING
14 SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

17 Section 1. Section 21-2A-1 NMSA 1978 (being Laws 1995,
18 Chapter 224, Section 7) is amended to read:

19 "21-2A-1. SHORT TITLE.--~~[Sections 7 through 16 of this~~
20 ~~act]~~ Sections 21-2A-1 through 21-2A-10.1 NMSA 1978 may be cited
21 as the "College District Tax Act"."

22 Section 2. Section 21-16-14 NMSA 1978 (being Laws 1963,
23 Chapter 108, Section 11, as amended) is recompiled as Section
24 21-2A-10.1 NMSA 1978 and is amended to read:

25 "21-2A-10.1. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF
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1 SCHOOL DISTRICTS TO EXISTING COMMUNITY COLLEGE OR TECHNICAL AND
2 VOCATIONAL INSTITUTE DISTRICTS.--

3 A. A community college or technical and vocational
4 institute district may be expanded by either the procedure in
5 Subsections B, C and D of this section or the procedure in
6 Subsections E and F of this section.

7 B. The qualified voters of a school district,
8 portion of a school district, group of school districts within
9 a county containing a community college or technical and
10 vocational institute district or in an adjoining county, not
11 included in the community college or technical and vocational
12 institute district as originally formed, may petition the
13 [~~public~~] higher education department to be added to the
14 community college or technical and vocational institute
15 district. The department shall examine the petition, and, if
16 it finds that the petition is signed by a number of qualified
17 voters residing within the pertinent school district or portion
18 of a school district equal to ten percent of the votes cast for
19 governor in such school district or portion of such school
20 district in the last preceding general election, the department
21 shall cause a survey to be made of the petitioning district or
22 districts to determine the desirability of the proposed
23 expansion of the community college or technical and vocational
24 institute district.

25 C. In conducting the survey, the higher education

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1 department [~~in conjunction with the commission on higher~~
2 ~~education~~] shall ascertain the attitude of the community
3 college or technical and vocational institute board and collect
4 other information it deems necessary. If on the basis of the
5 survey the higher education department finds that the proposed
6 addition of the petitioning area will promote an improved
7 education service in the area, it shall approve the petition.
8 The secretary of [~~public~~] higher education shall proceed to
9 call an election within the petitioning area and in the
10 established community college or technical and vocational
11 institute district on the question of the inclusion of the
12 petitioning area in the community college or institute
13 district.

14 D. If a majority of the votes cast in the
15 petitioning area and a majority of the votes cast within the
16 established community college or technical and vocational
17 institute district are in favor of the addition of the area,
18 the higher education department shall notify the local school
19 board of each affected school district and the community
20 college or technical and vocational institute board of the
21 results of the election and shall declare the extension of the
22 boundaries of the community college or technical and vocational
23 institute district to include the petitioning area in which the
24 proposed addition referendum carried by a majority vote.

25 E. If a community college or technical and

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1 vocational institute district includes less than all of a
2 school district, the community college or technical and
3 vocational institute board, by resolution of a majority of the
4 members of the board, may call an election within the community
5 college or technical and vocational institute district and in
6 the portion of the school district that is not included in the
7 college or institute district on the question of the addition
8 of the excluded portion of the school district to the
9 established college or institute district. Except where
10 specific provision is otherwise provided by law, such election
11 shall be conducted pursuant to the provisions of the School
12 Election Law, with the president of the college or institute
13 district serving in the place of the superintendent of schools
14 in every case; provided that:

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

17 (2) if a precinct lies partly within and
18 partly outside the college or institute district, the parts of
19 the precinct within and outside the college or institute
20 district shall constitute separate precincts for purposes of
21 the election; and

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

24 F. If [a] the majority of the votes cast in the
25 community college or technical and vocational institute

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1 district and the portion of the school district that is outside
2 the college or institute district are in favor of the addition
3 of the excluded portion of the school district to the college
4 or institute district, the board of the college or institute
5 district shall declare the college or institute district to be
6 expanded to include all of such school district.

7 G. Each area added to an existing community college
8 or technical and vocational institute district shall
9 automatically be subject to any special levy on taxable
10 property approved for the college or institute district for the
11 maintenance of facilities and services and for support of bond
12 issues."

13 Section 3. REPEAL.--Sections 21-13-21 and 21-16-14 NMSA
14 1978 (being Laws 1963, Chapter 17, Section 16 and Laws 1963,
15 Chapter 108, Section 11, as amended) are repealed.

16 Section 4. SEVERABILITY.--If any part or application of
17 this act is held invalid, the remainder or its application to
18 other situations or persons shall not be affected.

19 Section 5. EMERGENCY.--It is necessary for the public
20 peace, health and safety that this act take effect immediately.