

1 SENATE BILL 89

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Sander Rue and David E. Adkins

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10 AN ACT

11 RELATING TO SCHOOL DISTRICTS; PROVIDING THAT THE MEMBERSHIP OF
12 A SCHOOL DISTRICT NOT EXCEED FORTY THOUSAND STUDENTS; PROVIDING
13 FOR THE DIVISION OF AN EXISTING SCHOOL DISTRICT AND THE
14 CREATION OF NEW SCHOOL DISTRICTS WHEN THE MEMBERSHIP OF AN
15 EXISTING SCHOOL DISTRICT EXCEEDS FORTY THOUSAND STUDENTS;
16 MAKING AN APPROPRIATION.

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

19 SECTION 1. Section 22-4-1 NMSA 1978 (being Laws 1967,
20 Chapter 16, Section 14) is amended to read:

21 "22-4-1. SCHOOL DISTRICTS.--

22 A. Every public school in the state shall be
23 located within the geographical boundaries of a school
24 district.

25 B. A school district shall be created, exist or be

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1 consolidated only pursuant to the provisions of law.

2 C. The membership of a school district shall not
3 exceed forty thousand students.

4 [~~G.~~] D. The geographical boundaries of a school
5 district shall not coincide with or overlap the geographical
6 boundaries of another school district except as may be provided
7 by law."

8 SECTION 2. Section 22-4-2 NMSA 1978 (being Laws 1967,
9 Chapter 16, Section 15, as amended) is amended to read:

10 "22-4-2. NEW SCHOOL DISTRICTS--CREATION.--

11 A. The [~~state board~~] department:

12 (1) may order the creation of a new school
13 district:

14 [~~(1)~~] (a) upon receipt of and according
15 to a resolution requesting the creation of the new school
16 district by the local school board of the existing school
17 district;

18 [~~(2)~~] (b) after review by the local
19 school board and upon receipt of a petition bearing signatures
20 verified by the county clerk of the affected area of sixty
21 percent of the registered voters residing within the geographic
22 area desiring creation of a new school district; or

23 [~~(3)~~] (c) upon [~~recommendation of the~~
24 ~~state superintendent and upon~~] a determination by the [~~state~~
25 ~~board~~] department that creation of a new school district would

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1 meet the standards set forth in [~~Subsection B~~] Paragraph (2) of
2 this [~~section~~] subsection; and

3 [~~B.~~] (2) shall conduct a public hearing within
4 ninety days of receipt of the local school board resolution or
5 receipt of the voters' petition [~~or receipt of a recommendation~~
6 ~~by the state superintendent, the state board shall conduct a~~
7 ~~public hearing~~] to determine whether:

8 [~~(1)~~] (a) the existing school district
9 and the new school district to be created will each have a
10 minimum membership of five hundred;

11 [~~(2)~~] (b) a high school program is to be
12 taught in the existing school district and in the new school
13 district to be created unless an exception is granted to this
14 requirement by the [~~state board~~] department; and

15 [~~(3)~~] (c) creating the new school
16 district is in the best interest of public education in the
17 existing school district and in the new school district to be
18 created and in the best interest of public education in the
19 state.

20 B. When the membership of an existing school
21 district exceeds forty thousand students, the department shall
22 order the division of the existing school district and the
23 creation of one or more new school districts and allow the
24 existing school district not more than two years to complete
25 the creation of the new school district or school districts.

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1 C. In the event the department orders the creation
2 of new school districts pursuant to the provisions of
3 Subsection B of this section, the department shall appoint a
4 task force that includes members of the local school board for
5 and residents of the existing school district. The task force:

6 (1) shall report to the department on the
7 following data or proposals for the existing and proposed new
8 school districts:

- 9 (a) geographic boundaries;
- 10 (b) population demographics;
- 11 (c) membership growth or loss
12 projections;
- 13 (d) division of assets, liabilities and
14 indebtedness;
- 15 (e) division of bonded indebtedness and
16 voter-approved mill levies;
- 17 (f) capital, infrastructure and
18 transportation needs; and
- 19 (g) any other considerations material to
20 the creation of a new school district; and

21 (2) members are entitled to receive per diem
22 and mileage pursuant to the provisions of the Per Diem and
23 Mileage Act."

24 SECTION 3. APPROPRIATION.--One hundred fifty thousand
25 dollars (\$150,000) is appropriated from the general fund to the

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1 public education department for expenditure in fiscal years
2 2018 through 2020 to assist in the creation of new school
3 districts pursuant to Subsections B and C of Section 22-4-2
4 NMSA 1978. Any unexpended or unencumbered balance remaining at
5 the end of fiscal year 2020 shall revert to the general fund.