

BILL ANALYSIS

Senate Research Center

H.B. 2221
By: Luna et al. (West, Royce)
Education
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, the geographic area taxed by a junior college district is often much smaller than the area served by the college. Some colleges are experiencing a shortage of funds, as they educate many students from outside of their taxing district.

H.B. 2221 allows the governing board of a junior college, under certain circumstances, to annex nearby areas into the taxing district, provided that another junior college is not already taxing the area in question. Junior college boards are also given an option to enter into agreements with other governmental entities and private employers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 130, Education Code, by adding Section 130.00311, as follows:

Sec. 130.00311. METHODS OF INCLUSION OR PARTICIPATION IN JUNIOR COLLEGE DISTRICT. (a) Sets forth methods that may be used to be included in or to participate in a junior college district.

(b) Provides that if a political subdivision or part of a political subdivision is not located in a junior college district or has not entered into an agreement under Section 130.0081 on or before September 1, 2010, a person who resides in that territory and who is a student of a junior college district is required to be charged tuition and fees at the rate established under Section 130.0032(d).

SECTION 2. (a) Sets forth the purpose of this section regarding providing a method to promote taxpayer equity.

(b) Amends Section 130.0032, Education Code, by adding Subsection (d) to require the governing board of a junior college district, in each academic year beginning with the 2010-2011 academic year, to charge a student who resides outside the district a specific amount of tuition and fees.

SECTION 3. Amends Subchapter A, Chapter 130, Education Code, by adding Section 130.0081, as follows:

Sec. 130.0081. AGREEMENT WITH JUNIOR COLLEGE DISTRICT. (a) Authorizes a junior college district (district) to enter into an agreement with any person, including an employer, political subdivision, or other entity, to provide educational services. Requires the agreement to provide for the entity to cover at least any cost to the district of providing the services that exceeds the amount of tuition and fees that would be charged to a student who resides in the district and is enrolled in a substantially similar course.

(b) Entitles students who are enrolled in a course under the agreement to pay tuition and fees at the rate applicable to a student who resides in the district.

SECTION 4. Amends Section 130.063, Education Code, as follows:

Sec. 130.063. New heading: EXTENSION OF JUNIOR COLLEGE DISTRICT BOUNDARIES. (a) Authorizes territory, subject to Subsection (b), to be annexed to a junior college district by contract under Section 130.064 or election under Section 130.065, if the territory meets certain guidelines.

(b) Authorizes territory to be annexed to a junior college district as provided by this section only if the territory is located wholly within a single school district, county, or municipality. Provides that this subsection does not prohibit a junior college district from conducting annexation elections or other annexation procedures for more than one territory at the same time.

(c) Prohibits a junior college district from annexing a territory under this section that is included in the boundaries of another junior college district.

(d) Sets forth situations in which a junior college is prohibited from annexing territory under this section.

SECTION 5. Amends Sections 130.065, 130.066, and 130.067, Education Code, as follows:

Sec. 130.065. ANNEXATION BY ELECTION. (a) Authorizes the governing board of a junior college district (board) to call an election on the question of annexing the territory, on presentation of a petition proposing the annexation of territory to the district. Sets forth requirements for the petition.

(b) Requires the board to hold a public hearing within the territory proposed for annexation before ordering an annexation election. Sets forth the requirements for the date when the election is to be held. Deletes existing text regarding requirements for the petition.

(c) Requires the board to complete and publish a service plan consisting of specific information for the territory proposed for annexation not later than the 30th day before the date of a public hearing held under Subsection (b).

(d) Requires the board, rather than the county school board or the commissioners court, to issue an order for an election to be held in the territory proposed for annexation on a uniform election date that is not less than 45 days, rather than between 20 and 30 days, after the date of the order and that affords enough time to hold the election in the manner provided by law. Requires the board to give notice of the election in the manner provided by law for notice by the county judge of a general election, rather than by posting notices of such election in three specific public places.

(e) Requires the governing board to conduct the election in accordance with the Election Code.

(f) Requires the election to be held only in the territory proposed for annexation, and provides that only those registered voters, rather than legally qualified electors, residing in that territory are permitted to vote.

(g) Sets forth requirements for the ballot.

(h) Provides that the measure is adopted if the measure receives a favorable vote of a majority of those voters voting on the measure. Deletes existing text requiring the county school board or the commissioners court to canvass the returns not more than five days after the election.

(i) Requires the governing board of the district to enter an order declaring the result of the election and that the territory is annexed to the junior college district on the date specified in the order if the measure is adopted.

(j) Requires the governing board in the annexation order entered under Subsection (i) to assign the new territory to one or more of the current single-member districts if the proposition is adopted and the governing board is elected from single-member districts.

(k) Provides that the annexation of territory and any resulting change in the single-member districts from which members of the governing board are elected does not affect the term of a member of the governing board serving on the date the annexation or redistricting takes effect. Requires the governing board to provide that each member of the governing board representing a single-member district who is holding office on the date the annexation takes effect serve the remainder of the member's term and represent a single-member district in the expanded junior college district for that term regardless of whether the member resides in that single-member district.

(l) Prohibits another election to annex all or part of the same territory from being held earlier than one year after the date of the election at which the measure is not approved if the measure is not adopted at the election. Deletes existing text from Subsection (f)-(g).

Sec. 130.066. AUTOMATIC ANNEXATION OF CERTAIN TERRITORY. Authorizes the governing board, by order, to annex any territory later annexed by or added to the municipality or school district for junior college purposes, if the junior college district annexes territory under this subchapter comprising all of a municipality or school district. Deletes existing Subsections (a)-(g).

Sec. 130.067. New heading: ANNEXATION OF COUNTY-LINE SCHOOL DISTRICT FOR JUNIOR COLLEGE PURPOSES. (a) Defines "county-line school district" and "county or joint-county junior college district."

(b) Authorizes a part of a county-line school district that is contiguous to but not included within the boundaries of a county or joint-county junior college district to be annexed to the junior college district for junior college purposes only either by election as provided by Section 130.065 or by order entered pursuant to a petition requesting annexation of the territory as provided by this section.

(c) Redesignates existing text from Subsection (b). Requires the county or joint-county junior college district as originally created and organized to have included in its boundaries a part of the county-line school district, and prohibits the part of the county-line school district to be annexed from being included in any other junior college district.

(d) Requires the county judge to certify the filing of the petition and order to the commissioners court, on presentation of a petition, signed by a number of specific registered voters, together with a certified copy of an order by the governing board of the junior college district approving the proposed annexation to the junior college district for junior college purposes only. Requires the court at its next meeting to pass an order declaring the territory annexed to the junior college district.

(e) Authorizes territory to be annexed by petition under this section only if the territory is located wholly within a single county. Provides that for territory located in more than one county, a separate petition requesting the annexation of the territory is required for each county.

Deletes text of existing Subsections (c) and (d).

SECTION 6. Amends Section 130.068, Education Code, as follows:

Sec. 130.068. New heading: EXTENDING BOUNDARIES OF JUNIOR COLLEGE DISTRICT IN DISTRICT'S SERVICE AREA Sets forth situations in which the governing board of a junior college district is authorized to order an election. Provides that except as otherwise provided by this section, Section 130.065 applies to an action taken under this section, including the provisions of Section 130.065 requiring a petition to be submitted before an election may be called. Prohibits a junior college district from adopting new boundaries for the district under this section that extend within the service area of another junior college district. Deletes text of existing Subsections (a)-(c).

SECTION 7. Repealers: Sections 130.071 (Annexation of City Territory by Certain Districts), 130.0711 (Annexation of Certain Independent School District Territory by Certain Junior College Districts), 130.072 (Annexation of County Territory by Certain Union Districts), and 130.073 (Annexation of County Territory by Certain Districts), Education Code.

SECTION 8. Makes application of Subchapter D, Chapter 130, Education Code, as amended by this Act, prospective.

SECTION 9. Provides that this Act does not affect the validity of an agreement entered into before the effective date of this Act between a junior college district and another person for the provision of educational services by the district.

SECTION 10. Effective date: upon passage or September 1, 2005.