

BILL ANALYSIS

C.S.H.B. 2221
By: Luna
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. This legislation is intended to allow 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

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 5 (Section 130.065, Education Code) of this bill.

ANALYSIS

SECTION 1. Provides for methods of inclusion or participation in a junior college district. Provides that an area may be included in or participate in a junior college district if the registered voters of a territory that is not located in a junior college district petitions to join an existing junior college district or to establish a new junior college district, or if a junior college enters into an agreement with an entity or community to provide services. Provides for the tuition rates of students who live outside of a junior college district.

SECTION 2. Defines the method for calculating out-of-district tuition.

SECTION 3. Provides that junior college district may enter into an agreement with certain entities to provide educational services in an area outside of the district. Provides that students who are enrolled in a course under the agreement are entitled to pay tuition and fees at the rate applicable to a student who resides in the district.

SECTION 4. Provides that a territory may be annexed to a junior college district by contract or election if the territory is contiguous to the annexing junior college district or is located in the service area of the annexing district. States that a junior college district may not annex territory under this section that is included in the boundaries of another junior college district. States that the territory being annexed must be wholly within a single school district, county, or municipality.

SECTION 5. Provides terms and conditions for annexation by election; the automatic annexation of certain territory; and the annexation of county-line school districts. Provides for corresponding technical and conforming changes. Provides for rulemaking authority to the Texas Higher Education Coordinating Board.

SECTION 6. Provides that the governing board of a junior college may order an election on the question of establishing expanded boundaries for the junior college district, other than the service of another district, if more than 35 percent of the total enrollment consists of out-of-district students, or if more than 15 percent of enrollment comes from a specific out-of-district area for the preceding five years. Provides that, except as provided by this section, the rules governing annexation by election apply to this section, including requiring that a petition be submitted before an election may be called. States that a junior college district may not adopt new boundaries, under this section, that extend within the service area of another junior college.

SECTION 7. Repeals Sections 130.071, 130.0711, 130.072, and 130.073 of the Education Code.

SECTION 8. Provides that the Act applies only to elections ordered on or after the effective date.

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

SECTION 10. Effective date.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute simplifies and removes redundant language throughout the measure. This substitute adds a list of options for participation in a junior college district. Provisions were added to the substitute to allow agreements between junior college districts and other entities to provide educational services.

The substitute clarifies when a district may order an election by increasing the percentage of out-of-district students from 25 percent to 35 percent. The petition requirement to initiate an election is increased from 50 signatures to 100 signatures in the substitute. The substitute adds changes in the language concerning annexation by election; the automatic annexation of certain territory; and the annexation of county-line school districts. In addition, Sections 130.071, 130.0711, 130.072, and 130.073 of the Education Code are repealed in the substitute.