

BILL ANALYSIS

S.B. 927
By: Ellis
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

With the focus now on K-16 education, junior colleges should have the ability to bring in an entire school district. Also, in major metropolitan areas, residents in a portion of a large city may wish to join a junior college district, but it may not be feasible for the junior college to annex the entire remainder of the city. Additionally, some areas of the city may not want to join the junior college district. Current law also provides that the annexation election would include all of the voters of both the existing district and the territory to be annexed voting together. Proposed use of this procedure has caused considerable controversy.

S.B. 927 allows a junior college district that is located within part of a school district, city, town, or village to annex territory, but not necessarily the entire territory, included in those political subdivisions. S.B. 927 provides that only the voters in the territory to be annexed would vote in the annexation election.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 130, Education Code, by adding Section 130.0712, as follows:

Sec. 130.0712. ANNEXATION OF TERRITORY BY ELECTION FOR CERTAIN DISTRICTS. (a) Notwithstanding any other provision of this subchapter, a junior college district that includes within its territory all or part of a school district with a student enrollment of more than 170,000 may annex territory by election only as provided by this section. The territory to be annexed must be located within:

- (1) the service area of the junior college district; or
- (2) a municipality or school district that is partly located within the junior college district.

(b) Authorizes the governing board of the junior college district (governing board) to order an election on the question of establishing expanded boundaries for the junior college district by annexing all or part of the territory of a municipality or school district described by Subsection (a) if that territory is not currently located in the junior college district. Requires the election to be held only in the territory proposed for annexation. Sets forth certain requirements for the order for the election.

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

(d) Entitles any registered voter residing within the territory proposed for annexation to vote in the election.

(e) Requires the ballot to be printed to provide for voting for against the proposition. Sets forth required language for the ballot.

(f) Provides that the measure is adopted if approved by a majority of the voters voting at the election. Requires the governing board, if the proposition is adopted, to enter an order declaring the result of the election and that the territory is annexed for junior college purposes.

(g) Requires, if the proposition is adopted and the governing board is elected from single member districts, the governing board in the new annexation order entered under Subsection (f) to assign the new territory to one or more of the current single-member districts. Requires the governing board to divide the territory of the expanded junior college district into the appropriate number of single-member districts before the next election for members of the governing board.

(h) Prohibits another election to annex the same territory from being held earlier than one year after the date of the election in which the proposition is defeated, if the proposition is not adopted.

(i) Provides that the annexation of territory to a junior college district under this section 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 territory is annexed to the district serves the remainder of the member's term and represents a new single-member district regardless of whether the member resides in the single-member district.

(j) Authorizes the governing board, by order, if the junior college district annexes under this section territory comprising all of a municipality or school district, to annex for junior college purposes any territory later annexed by or added to the municipality or school district.

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

SECTION 2. 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.