

By: Callegari

H.B. No. 1013

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the annexation of territory to a public junior college
3 district.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 130.063, Education Code, is amended to
6 read as follows:

7 Sec. 130.063. EXTENSION OF JUNIOR COLLEGE DISTRICT
8 BOUNDARIES [~~FOR JUNIOR COLLEGE PURPOSES ONLY~~]. (a) Subject to
9 Subsection (b), territory [~~Territory~~] may be annexed to a [~~the~~]
10 junior college district [~~for junior college purposes only,~~] by
11 [~~either~~] contract under Section 130.064 or election under Section
12 130.065, if the territory:

13 (1) is contiguous to the annexing junior college
14 district [~~consists of a school district or part of a school district~~
15 ~~or a county or part of a county~~]; or [~~and~~]

16 (2) is [~~adjacent to the junior college district or~~]
17 located in the service area of the annexing district established
18 under Subchapter J.

19 (b) Territory may be annexed to a junior college district as
20 provided by this section only if the territory is located wholly
21 within a single school district or municipality. This subsection
22 does not prohibit a junior college district from conducting
23 annexation elections or other annexation procedures for more than
24 one territory at the same time.

1 (c) A junior college district may not annex territory under
2 this section that is included in the boundaries of another junior
3 college district.

4 (d) A junior college district may not annex territory under
5 this section if:

6 (1) the territory is located in the same county as any
7 part of the junior college district; and

8 (2) a campus of the Texas State Technical College
9 System is located within the county and outside the junior college
10 district.

11 SECTION 2. Sections 130.065, 130.066, and 130.067,
12 Education Code, are amended to read as follows:

13 Sec. 130.065. ANNEXATION BY ELECTION. (a) On presentation
14 to the governing board of a junior college district of [~~If the~~
15 ~~annexation is by election,~~] a petition proposing the annexation of
16 territory to the district, the governing board may call an election
17 on the question of annexing the territory. The petition must:

18 (1) contain an accurate description of the territory
19 proposed for annexation; and

20 (2) be signed by 50 [~~five percent of the~~] registered
21 voters in the territory proposed [~~seeking~~] to be annexed or by a
22 number of those registered voters equal to at least five percent of
23 the registered voters in that territory as of the most recent
24 general election for state and county officers, whichever number is
25 less [~~shall be presented to the county school board of the county,~~
26 ~~or to the commissioners court of the county in case there is no~~
27 ~~county school board~~].

1 (b) Before the governing board of the junior college
2 district may order an annexation election, the board must hold a
3 public hearing within the territory proposed for annexation. The
4 hearing must be held not earlier than the 45th day and not later
5 than the 30th day before the date the board issues the order for the
6 election [~~The petition shall contain a legally sufficient~~
7 ~~description of the territory proposed for annexation, and shall be~~
8 ~~accompanied by a certified copy of an order by the governing board~~
9 ~~of the junior college district affected approving the proposed~~
10 ~~annexation of the territory to the junior college district for~~
11 ~~junior college purposes only].~~

12 (c) Not later than the 30th day before the date of a public
13 hearing held under Subsection (b), the board shall complete and
14 publish a service plan for the territory proposed for annexation.
15 The service plan must include:

16 (1) the maximum property tax rate that the board may
17 adopt;

18 (2) the most recent property tax rate adopted by the
19 board and any tax rate increase proposed or anticipated to occur
20 after the annexation;

21 (3) the tuition rate that would apply after annexation
22 for a student who resides in the district;

23 (4) plans for providing educational services in the
24 territory, including proposed or contemplated campus and facility
25 expansion in the territory;

26 (5) plans for cooperation with local workforce
27 agencies; and

1 (6) any other elements consistent with this subchapter
2 prescribed by rule of the Texas Higher Education Coordinating
3 Board.

4 (d) The governing [county school] board[, or the
5 commissioners court,] shall issue an order for an election to be
6 held in the territory proposed for annexation on a uniform election
7 date that is[,] not less than 60 [20 nor more than 30] days after
8 [from] the date of the order and that affords enough time to hold
9 the election in the manner provided by law. The board[, and] shall
10 give notice of the [date of the] election in the manner provided by
11 law for notice by the county judge of a general election [by posting
12 notices of such election in three public places within the
13 territory proposed for annexation].

14 (e) The governing board shall conduct the election in
15 accordance with the Election Code.

16 (f) The election shall be held only in the territory
17 proposed for annexation, and only [(d) Only] those registered
18 voters [legally qualified electors] residing in that [the]
19 territory are [proposed for annexation shall be] permitted to vote.

20 (g) The ballot shall be printed to provide for voting for or
21 against the proposition: "Annexation of the following territory
22 for junior college purposes: _____", with the blank filled in
23 with a description of the territory proposed for annexation.

24 (h) The measure is adopted if the measure receives a
25 favorable vote of a majority of those voters voting on the measure
26 [(e) The county school board, or the commissioners court shall
27 canvass the returns at a meeting held not more than five days after

1 ~~the election. If the votes cast in the election show a majority in~~
2 ~~favor of annexation, the territory shall be declared annexed to the~~
3 ~~junior college district for junior college purposes only].~~

4 (i) If the measure is adopted, the governing board of the
5 district shall enter an order declaring the result of the election
6 and that the territory is annexed to the junior college district on
7 the date specified in the order. [~~(f) The county school board or~~
8 ~~commissioners court shall cause a certified copy of the order to be~~
9 ~~transmitted to the governing board of the junior college district.~~

10 [~~(g) At the next regular or special meeting of the governing~~
11 ~~board of the junior college district, the board shall, in the event~~
12 ~~of annexation by election, enter its order concurring in the order~~
13 ~~of the county school board or the commissioners court and shall~~
14 ~~enter an order redefining the boundary lines of the junior college~~
15 ~~district as enlarged and extended, and shall cause the order to be~~
16 ~~recorded on the minutes of the board of the junior college~~
17 ~~district.]~~

18 (j) If the proposition is adopted and the governing board is
19 elected from single-member districts, the governing board in the
20 annexation order entered under Subsection (i) shall assign the new
21 territory to one or more of the current single-member districts.
22 The governing board shall divide the territory of the expanded
23 junior college district into the appropriate number of
24 single-member districts before the next election for members of the
25 governing board.

26 (k) The annexation of territory and any resulting change in
27 the single-member districts from which members of the governing

1 board are elected does not affect the term of a member of the
2 governing board serving on the date the annexation or redistricting
3 takes effect. The governing board shall provide that each member of
4 the governing board representing a single-member district who is
5 holding office on the date the annexation takes effect serve the
6 remainder of the member's term and represent a single-member
7 district in the expanded junior college district for that term
8 regardless of whether the member resides in that single-member
9 district.

10 (1) If the measure is not adopted at the election, another
11 election to annex all or part of the same territory may not be held
12 earlier than one year after the date of the election at which the
13 measure is not approved.

14 Sec. 130.066. AUTOMATIC ANNEXATION OF CERTAIN TERRITORY.
15 If the junior college district annexes territory under this
16 subchapter comprising all of a municipality or school district, the
17 governing board by order may annex for junior college purposes any
18 territory later annexed by or added to the municipality or school
19 district [~~ADDING CONTIGUOUS TERRITORY TO A JUNIOR COLLEGE DISTRICT.~~

20 ~~(a) Any territory may be included within the boundaries of a junior~~
21 ~~college district, herein called "district," for junior college~~
22 ~~purposes, in the manner hereinafter specified, provided, the~~
23 ~~territory to be included is:~~

24 ~~[(1) contiguous to the district in which such~~
25 ~~territory is to be included, or~~

26 ~~[(2) located in the service area of the district~~
27 ~~established under Subchapter J.~~

1 ~~[(b) Upon presentation of a petition, signed by 50, or a~~
2 ~~majority, whichever number is smaller, of the qualified electors~~
3 ~~residing in the territory proposed for inclusion in a district, to~~
4 ~~the governing body of the district requesting that the boundaries~~
5 ~~of the district be changed to include the territory described in~~
6 ~~said petition, such governing body may, in its discretion, order an~~
7 ~~election to be held within the boundaries of the entire district as~~
8 ~~proposed to be changed on the question of whether the boundaries of~~
9 ~~the district shall be changed to include the proposed territory.~~
10 ~~The ballots for such election shall have printed thereon "For" and~~
11 ~~"Against" boundary change. All qualified electors residing within~~
12 ~~the boundaries of the entire district as proposed to be changed~~
13 ~~shall be qualified to vote at such an election.~~

14 ~~[(c) The governing body of the district calling an election~~
15 ~~hereunder shall give notice of any such election by causing a~~
16 ~~substantial copy of its order calling the election to be posted in~~
17 ~~at least three public places within the boundaries of the district~~
18 ~~as proposed to be changed and published at least one time in a~~
19 ~~newspaper of general circulation within such boundaries. Provided,~~
20 ~~however, if any railroad right-of-way or other property is located~~
21 ~~within such territory, additional notice shall be given by~~
22 ~~certified mail, to the railroad company, at the address shown on the~~
23 ~~latest county tax roll. Such posting, such publication, and such~~
24 ~~certified mail notice shall be done at least 30 days prior to the~~
25 ~~date on which the election is to be held.~~

26 ~~[(d) Except as otherwise provided herein, all elections~~
27 ~~held hereunder shall be governed by the provisions relating to bond~~

1 ~~elections held by independent school districts. The order calling~~
2 ~~the election may provide that the entire district as proposed to be~~
3 ~~changed shall constitute one election precinct or such order may~~
4 ~~provide for more than one election precinct.~~

5 ~~[(c) The returns of any such election shall be canvassed by~~
6 ~~the governing body of the district and if a majority of persons~~
7 ~~residing in the district and voting at the election and a majority~~
8 ~~of the persons residing in the territory proposed to be annexed and~~
9 ~~voting at the election vote for the boundary change, the governing~~
10 ~~body of the district shall, in its order canvassing such returns,~~
11 ~~declare the boundaries of the district changed to include the~~
12 ~~territory described in the petition theretofore presented to them.~~
13 ~~Such order may also include the name by which the district as~~
14 ~~changed shall be known.~~

15 ~~[(f) At the next regular election held in the junior college~~
16 ~~district after territory is added to the district under this~~
17 ~~section, the qualified electors shall elect a new board of~~
18 ~~trustees. To continue in office, members of the present board of~~
19 ~~trustees must be reelected at this election.~~

20 ~~[(g) This section is cumulative of all other laws on the~~
21 ~~subject, but this section is wholly sufficient authority within~~
22 ~~itself for the inclusion of territory in the boundaries of a~~
23 ~~district and the performance of the other acts and procedures~~
24 ~~authorized hereby, without reference to any other laws or any~~
25 ~~restrictions or limitations contained therein, except as herein~~
26 ~~specifically provided in this section. However, the governing body~~
27 ~~of any district may use the provisions of any other laws, not in~~

1 ~~conflict with the provisions of this section, to the extent~~
2 ~~convenient or necessary to carry out any power or authority,~~
3 ~~express or implied, granted by this section].~~

4 Sec. 130.067. ANNEXATION OF COUNTY-LINE SCHOOL DISTRICT
5 ~~[DISTRICTS]~~ FOR JUNIOR COLLEGE PURPOSES. (a) In this section:

6 (1) "County-line school district" means any type of
7 public school district created or organized under general or
8 special law that includes within its boundaries territory that is
9 located in two or more counties of Texas.

10 (2) "County or joint-county junior college district"
11 means a junior college district that was originally created and
12 organized with the same boundaries as a county or as a group of
13 contiguous counties and that included all of the territory in the
14 county or group of counties and did not include a part of any county
15 without including the entire territory of the county.

16 (b) A part ~~[Parts]~~ of a county-line school district that is
17 contiguous to but not included within the boundaries of a county or
18 joint-county junior college district ~~[districts]~~ may be annexed to
19 the ~~[adjacent county or joint-county]~~ junior college district
20 ~~[districts]~~ for junior college purposes only either by election as
21 provided by Section 130.065 or by order entered pursuant to a
22 petition requesting annexation of the territory~~[r]~~ as provided by
23 ~~[in]~~ this section.

24 (c) ~~[(b)]~~ The county or joint-county junior college
25 district as originally created and organized must have included in
26 its boundaries a part of the ~~[a]~~ county-line school district, and
27 the part of the county-line school district to be annexed may ~~[is]~~

1 not be included in any other junior college district.

2 (d) On presentation of a petition, signed by a number of
3 registered voters residing in the part of a county-line school
4 district requesting annexation equal to at least a majority of the
5 registered voters residing in that territory as of the most recent
6 general election for state and county officers to the county judge
7 of the county in which the territory requested to be annexed is
8 located, together with a certified copy of an order by the governing
9 board of the junior college district approving the proposed
10 annexation to the junior college district for junior college
11 purposes only, the county judge shall certify the filing of the
12 petition and order to the commissioners court. The court at its
13 next meeting shall pass an order declaring the territory annexed to
14 the junior college district.

15 (e) Territory may be annexed by petition under this section
16 only if the territory is located wholly within a single county. For
17 territory located in more than one county, a separate petition
18 requesting the annexation of the territory is required for each
19 county.

20 ~~[(c) The county or joint-county junior college districts to~~
21 ~~which this section is applicable are those where the junior college~~
22 ~~district as originally created and organized had the same~~
23 ~~boundaries as a county or as a group of contiguous counties and~~
24 ~~included all of the territory in a county or group of counties and~~
25 ~~did not include a part of any county without including the entire~~
26 ~~territory of such county in such junior college district.~~

27 ~~[(d) A "county-line school district" as used in this section~~

1 ~~is any type of public school district created or organized under~~
2 ~~general or special laws of Texas, which includes within its~~
3 ~~boundaries territory that extends into or is located in two or more~~
4 ~~counties of Texas.]~~

5 SECTION 3. Sections 130.068, 130.071, 130.0711, 130.072,
6 and 130.073 are repealed.

7 SECTION 4. Subchapter D, Chapter 130, Education Code, as
8 amended by this Act, applies only to annexation by a junior college
9 district for which a petition requesting annexation is filed or an
10 annexation election is ordered on or after the effective date of
11 this Act. If a petition requesting annexation is filed or an
12 annexation election is ordered under Subchapter D, Chapter 130,
13 Education Code, before the effective date of this Act, the
14 annexation procedures related to that petition or election and the
15 effect of the petition or election are governed by the law in effect
16 immediately before the effective date of this Act, and the former
17 law is continued in effect for that purpose.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2005.