

1-1 By: Luna, et al. (Senate Sponsor - West) H.B. No. 2221
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on
1-4 Education; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 5, Nays 1; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the territory of a public junior college district and to
1-9 the provision of services by a junior college district to students
1-10 residing outside the district.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 130, Education Code, is
1-13 amended by adding Section 130.00311 to read as follows:

1-14 Sec. 130.00311. METHODS OF INCLUSION OR PARTICIPATION IN
1-15 JUNIOR COLLEGE DISTRICT. (a) The following are methods that may be
1-16 used to be included in or to participate in a junior college
1-17 district:

1-18 (1) the registered voters of territory that is not
1-19 located in a junior college district may petition to join an
1-20 existing junior college district or to establish a new junior
1-21 college district under the other provisions of this chapter; or

1-22 (2) a junior college district may enter into an
1-23 agreement with an entity or community under Section 130.0081 to
1-24 provide services to the entity or community.

1-25 (b) If a political subdivision or part of a political
1-26 subdivision is not located in a junior college district or has not
1-27 entered into an agreement under Section 130.0081 on or before
1-28 September 1, 2010, a person who resides in that territory and who is
1-29 a student of a junior college district shall be charged tuition and
1-30 fees at the rate established under Section 130.0032(d).

1-31 SECTION 2. (a) The purpose of this section is to provide a
1-32 method to promote taxpayer equity by ensuring that the costs of
1-33 providing educational services to students who reside outside a
1-34 public junior college district are not financed disproportionately
1-35 by the taxpayers who reside in that district.

1-36 (b) Section 130.0032, Education Code, is amended by adding
1-37 Subsection (d) to read as follows:

1-38 (d) In each academic year beginning with the 2010-2011
1-39 academic year, the governing board of a junior college district
1-40 shall charge a student who resides outside the district tuition and
1-41 fees in a total amount that is at least equal to the amount of
1-42 tuition and fees charged to a similarly situated student who
1-43 resides in the district plus an amount per credit hour determined by
1-44 dividing the amount of ad valorem taxes imposed by the district in
1-45 the tax year preceding the year in which the academic year begins by
1-46 the number of credit hours for which the students who were residents
1-47 of the district enrolled in the district in the preceding academic
1-48 year.

1-49 SECTION 3. Subchapter A, Chapter 130, Education Code, is
1-50 amended by adding Section 130.0081 to read as follows:

1-51 Sec. 130.0081. AGREEMENT WITH JUNIOR COLLEGE DISTRICT. (a)
1-52 A junior college district may enter into an agreement with any
1-53 person, including an employer, political subdivision, or other
1-54 entity, to provide educational services. The agreement must
1-55 provide for the entity to cover at least any cost to the district of
1-56 providing the services that exceeds the amount of tuition and fees
1-57 that would be charged to a student who resides in the district and
1-58 is enrolled in a substantially similar course.

1-59 (b) Students who are enrolled in a course under the
1-60 agreement are entitled to pay tuition and fees at the rate
1-61 applicable to a student who resides in the district.

1-62 SECTION 4. Section 130.063, Education Code, is amended to
1-63 read as follows:

1-64 Sec. 130.063. EXTENSION OF JUNIOR COLLEGE DISTRICT

2-1 BOUNDARIES [~~FOR JUNIOR COLLEGE PURPOSES ONLY~~]. (a) Subject to
 2-2 Subsection (b), territory [Territory] may be annexed to a [the]
 2-3 junior college district [~~for junior college purposes only,~~] by
 2-4 [~~either~~] contract under Section 130.064 or election under Section
 2-5 130.065, if the territory:

2-6 (1) is contiguous to the annexing junior college
 2-7 district [~~consists of a school district or part of a school district~~
 2-8 ~~or a county or part of a county]; or [and]~~

2-9 (2) is [~~adjacent to the junior college district or~~]
 2-10 located in the service area of the annexing district established
 2-11 under Subchapter J.

2-12 (b) Territory may be annexed to a junior college district as
 2-13 provided by this section only if the territory is located wholly
 2-14 within a single school district, county, or municipality. This
 2-15 subsection does not prohibit a junior college district from
 2-16 conducting annexation elections or other annexation procedures for
 2-17 more than one territory at the same time.

2-18 (c) A junior college district may not annex territory under
 2-19 this section that is included in the boundaries of another junior
 2-20 college district.

2-21 (d) A junior college district may not annex territory under
 2-22 this section if[+

2-23 [~~(1) the territory is located in the same county as any~~
 2-24 ~~part of the junior college district, and~~

2-25 [~~(2)~~] a campus of the Texas State Technical College
 2-26 System is located:

2-27 (1) within the county in which the territory is
 2-28 located; and

2-29 (2) outside the junior college district.

2-30 SECTION 5. Sections 130.065, 130.066, and 130.067,
 2-31 Education Code, are amended to read as follows:

2-32 Sec. 130.065. ANNEXATION BY ELECTION. (a) On presentation
 2-33 to the governing board of a junior college district of [~~If the~~
 2-34 ~~annexation is by election,~~] a petition proposing the annexation of
 2-35 territory to the district, the governing board may call an election
 2-36 on the question of annexing the territory. The petition must:

2-37 (1) contain an accurate description of the territory
 2-38 proposed for annexation; and

2-39 (2) be signed by 100 [~~five percent of the~~] registered
 2-40 voters in the territory proposed [~~seeking~~] to be annexed or by a
 2-41 number of those registered voters equal to at least five percent of
 2-42 the registered voters in that territory as of the most recent
 2-43 general election for state and county officers, whichever number is
 2-44 less [~~shall be presented to the county school board of the county,~~
 2-45 ~~or to the commissioners court of the county in case there is no~~
 2-46 ~~county school board].~~

2-47 (b) Before the governing board of the junior college
 2-48 district may order an annexation election, the board must hold a
 2-49 public hearing within the territory proposed for annexation. The
 2-50 hearing must be held not earlier than the 45th day and not later
 2-51 than the 30th day before the date the board issues the order for the
 2-52 election [~~The petition shall contain a legally sufficient~~
 2-53 ~~description of the territory proposed for annexation, and shall be~~
 2-54 ~~accompanied by a certified copy of an order by the governing board~~
 2-55 ~~of the junior college district affected approving the proposed~~
 2-56 ~~annexation of the territory to the junior college district for~~
 2-57 ~~junior college purposes only].~~

2-58 (c) Not later than the 30th day before the date of a public
 2-59 hearing held under Subsection (b), the board shall complete and
 2-60 publish a service plan for the territory proposed for annexation.
 2-61 The service plan is informational only and must include:

2-62 (1) the maximum property tax rate that the board may
 2-63 adopt;

2-64 (2) the most recent property tax rate adopted by the
 2-65 board and any tax rate increase proposed or anticipated to occur
 2-66 after the annexation;

2-67 (3) the tuition rate that would apply after annexation
 2-68 for a student who resides in the district;

2-69 (4) the tuition and fees that would apply under

3-1 Section 130.0032(d) for a student who resides outside the district;
 3-2 (5) plans for providing educational services in the
 3-3 territory, including proposed or contemplated campus and facility
 3-4 expansion in the territory;

3-5 (6) plans for cooperation with local workforce
 3-6 agencies; and

3-7 (7) any other elements consistent with this subchapter
 3-8 prescribed by rule of the Texas Higher Education Coordinating
 3-9 Board.

3-10 (d) The governing [county school] board[, or the
 3-11 commissioners court,] shall issue an order for an election to be
 3-12 held in the territory proposed for annexation on a uniform election
 3-13 date that is[7] not less than 45 [20 nor more than 30] days after
 3-14 [from] the date of the order and that affords enough time to hold
 3-15 the election in the manner provided by law. The board[, and] shall
 3-16 give notice of the [date of the] election in the manner provided by
 3-17 law for notice by the county judge of a general election [by posting
 3-18 notices of such election in three public places within the
 3-19 territory proposed for annexation].

3-20 (e) The governing board shall conduct the election in
 3-21 accordance with the Election Code.

3-22 (f) The election shall be held only in the territory
 3-23 proposed for annexation, and only [(d) Only] those registered
 3-24 voters [legally qualified electors] residing in that [the]
 3-25 territory are [proposed for annexation shall be] permitted to vote.

3-26 (g) The ballot shall be printed to provide for voting for or
 3-27 against the proposition: "Annexation of the following territory
 3-28 for junior college purposes: _____", with the blank filled in
 3-29 with a description of the territory proposed for annexation.

3-30 (h) The measure is adopted if the measure receives a
 3-31 favorable vote of a majority of those voters voting on the measure
 3-32 [(e) The county school board, or the commissioners court shall
 3-33 canvass the returns at a meeting held not more than five days after
 3-34 the election. If the votes cast in the election show a majority in
 3-35 favor of annexation, the territory shall be declared annexed to the
 3-36 junior college district for junior college purposes only].

3-37 (i) If the measure is adopted, the governing board of the
 3-38 district shall enter an order declaring the result of the election
 3-39 and that the territory is annexed to the junior college district on
 3-40 the date specified in the order.

3-41 (j) If the proposition is adopted and the governing board is
 3-42 elected from single-member districts, the governing board in the
 3-43 annexation order entered under Subsection (i) shall assign the new
 3-44 territory to one or more of the current single-member districts.

3-45 (k) The annexation of territory and any resulting change in
 3-46 the single-member districts from which members of the governing
 3-47 board are elected does not affect the term of a member of the
 3-48 governing board serving on the date the annexation or redistricting
 3-49 takes effect. The governing board shall provide that each member of
 3-50 the governing board representing a single-member district who is
 3-51 holding office on the date the annexation takes effect serve the
 3-52 remainder of the member's term and represent a single-member
 3-53 district in the expanded junior college district for that term
 3-54 regardless of whether the member resides in that single-member
 3-55 district.

3-56 (l) If the measure is not adopted at the election, another
 3-57 election to annex all or part of the same territory may not be held
 3-58 earlier than one year after the date of the election at which the
 3-59 measure is not approved. [(f) The county school board or
 3-60 commissioners court shall cause a certified copy of the order to be
 3-61 transmitted to the governing board of the junior college district.

3-62 [(g) At the next regular or special meeting of the governing
 3-63 board of the junior college district, the board shall, in the event
 3-64 of annexation by election, enter its order concurring in the order
 3-65 of the county school board or the commissioners court and shall
 3-66 enter an order redefining the boundary lines of the junior college
 3-67 district as enlarged and extended, and shall cause the order to be
 3-68 recorded on the minutes of the board of the junior college
 3-69 district.]

Sec. 130.066. AUTOMATIC ANNEXATION OF CERTAIN TERRITORY.

~~If the junior college district annexes territory under this subchapter comprising all of a municipality or school district, the governing board by order may annex for junior college purposes any territory later annexed by or added to the municipality or school district [ADDING CONTIGUOUS TERRITORY TO A JUNIOR COLLEGE DISTRICT.~~

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

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

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

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

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

~~[(d) Except as otherwise provided herein, all elections held hereunder shall be governed by the provisions relating to bond elections held by independent school districts. The order calling the election may provide that the entire district as proposed to be changed shall constitute one election precinct or such order may provide for more than one election precinct.~~

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

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

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

5-1 ~~convenient or necessary to carry out any power or authority,~~
 5-2 ~~express or implied, granted by this section].~~

5-3 Sec. 130.067. ANNEXATION OF COUNTY-LINE SCHOOL DISTRICT
 5-4 ~~[DISTRICTS]~~ FOR JUNIOR COLLEGE PURPOSES. (a) In this section:

5-5 (1) "County-line school district" means any type of
 5-6 public school district created or organized under general or
 5-7 special law that includes within its boundaries territory that is
 5-8 located in two or more counties of Texas.

5-9 (2) "County or joint-county junior college district"
 5-10 means a junior college district that was originally created and
 5-11 organized with the same boundaries as a county or as a group of
 5-12 contiguous counties and that included all of the territory in the
 5-13 county or group of counties and did not include a part of any county
 5-14 without including the entire territory of the county.

5-15 (b) A part ~~[Parts]~~ of a county-line school district that is
 5-16 contiguous to but not included within the boundaries of a county or
 5-17 joint-county junior college district ~~[districts]~~ may be annexed to
 5-18 the ~~[adjacent county or joint-county]~~ junior college district
 5-19 ~~[districts]~~ for junior college purposes only either by election as
 5-20 provided by Section 130.065 or by order entered pursuant to a
 5-21 petition requesting annexation of the territory~~[r]~~ as provided by
 5-22 ~~[in]~~ this section.

5-23 (c) ~~[(b)]~~ The county or joint-county junior college
 5-24 district as originally created and organized must have included in
 5-25 its boundaries a part of the ~~[a]~~ county-line school district, and
 5-26 the part of the county-line school district to be annexed may ~~[is]~~
 5-27 not be included in any other junior college district.

5-28 (d) On presentation of a petition, signed by a number of
 5-29 registered voters residing in the part of a county-line school
 5-30 district requesting annexation equal to at least a majority of the
 5-31 registered voters residing in that territory as of the most recent
 5-32 general election for state and county officers to the county judge
 5-33 of the county in which the territory requested to be annexed is
 5-34 located, together with a certified copy of an order by the governing
 5-35 board of the junior college district approving the proposed
 5-36 annexation to the junior college district for junior college
 5-37 purposes only, the county judge shall certify the filing of the
 5-38 petition and order to the commissioners court. The court at its
 5-39 next meeting shall pass an order declaring the territory annexed to
 5-40 the junior college district.

5-41 (e) Territory may be annexed by petition under this section
 5-42 only if the territory is located wholly within a single county. For
 5-43 territory located in more than one county, a separate petition
 5-44 requesting the annexation of the territory is required for each
 5-45 county. ~~[(c) The county or joint-county junior college districts~~
 5-46 ~~to which this section is applicable are those where the junior~~
 5-47 ~~college district as originally created and organized had the same~~
 5-48 ~~boundaries as a county or as a group of contiguous counties and~~
 5-49 ~~included all of the territory in a county or group of counties and~~
 5-50 ~~did not include a part of any county without including the entire~~
 5-51 ~~territory of such county in such junior college district.~~

5-52 ~~[(d) A "county-line school district" as used in this section~~
 5-53 ~~is any type of public school district created or organized under~~
 5-54 ~~general or special laws of Texas, which includes within its~~
 5-55 ~~boundaries territory that extends into or is located in two or more~~
 5-56 ~~counties of Texas.]~~

5-57 SECTION 6. Section 130.068, Education Code, is amended to
 5-58 read as follows:

5-59 Sec. 130.068. EXTENDING BOUNDARIES OF JUNIOR COLLEGE
 5-60 DISTRICT IN DISTRICT'S SERVICE AREA ~~[ANNEXATION OF NON-INCLUDED~~
 5-61 ~~PARTS OF COUNTIES]~~. (a) The governing board of a junior college
 5-62 district may order an election on the question of establishing
 5-63 expanded boundaries for the junior college district to encompass
 5-64 all of the territory located within the district's service area
 5-65 established by Subchapter J, other than territory located in the
 5-66 service area of another junior college district, if more than 35
 5-67 percent of the total number of students who enrolled in the junior
 5-68 college district in the most recent academic year resided outside
 5-69 of the existing junior college district.

6-1 (b) The governing board of a junior college district may
 6-2 order an election on the question of establishing expanded
 6-3 boundaries for the junior college district to encompass part of the
 6-4 territory located within the district's service area established by
 6-5 Subchapter J, other than territory located in the service area of
 6-6 another junior college district, if more than 15 percent of the high
 6-7 school graduates for the preceding five academic years in the
 6-8 territory proposed to be added to the district have enrolled in the
 6-9 junior college district.

6-10 (c) Except as otherwise provided by this section, Section
 6-11 130.065 applies to an action taken under this section, including
 6-12 the provisions of Section 130.065 requiring a petition to be
 6-13 submitted before an election may be called.

6-14 (d) A junior college district may not adopt new boundaries
 6-15 for the district under this section that extend within the service
 6-16 area of another junior college district. [(a) The non-included
 6-17 portion or portions of such county-line districts may be annexed to
 6-18 the county or joint-county junior college district by either of two
 6-19 methods as provided by Subsections (b) and (c) of this section.

6-20 ~~[(b) On the petition of 20 or a majority of the legally~~
 6-21 ~~qualified voters residing in that part of a county-line district~~
 6-22 ~~not a part of a junior college district as described in Section~~
 6-23 ~~130.067 of this code praying for the annexation for junior college~~
 6-24 ~~purposes only, of that part of the county-line school district to~~
 6-25 ~~the junior college district in which the remainder of the~~
 6-26 ~~county-line district is a part, the county judge of that county~~
 6-27 ~~which has jurisdiction of the county-line school district shall~~
 6-28 ~~issue an order for an election to be held in the non-included~~
 6-29 ~~portion of the county-line school district praying to be annexed to~~
 6-30 ~~the county or joint-county junior college district. The county~~
 6-31 ~~judge shall give notice of the date of the election by posting~~
 6-32 ~~notices at three public places in the part of the county-line school~~
 6-33 ~~district wherein the election is to be held. Only those legally~~
 6-34 ~~qualified voters residing in that part of the county-line school~~
 6-35 ~~district shall be permitted to vote. The commissioners court shall~~
 6-36 ~~at its next meeting canvass the returns of the election, and if the~~
 6-37 ~~votes cast in the election show a majority in favor of annexation,~~
 6-38 ~~then the court shall declare that part of the county-line school~~
 6-39 ~~district annexed to the junior college district for junior college~~
 6-40 ~~purposes only. The court shall cause certified copies of the order~~
 6-41 ~~to be transmitted to the commissioners court of every county in~~
 6-42 ~~which the junior college district and the county-line school~~
 6-43 ~~district have territory, and each court shall make orders~~
 6-44 ~~concurring in the order and shall cause them to be entered on the~~
 6-45 ~~minutes of each commissioners court.~~

6-46 ~~[(c) Where a petition, signed by a majority of the legally~~
 6-47 ~~qualified voters residing in that part of a county-line school~~
 6-48 ~~district praying for annexation for junior college purposes only,~~
 6-49 ~~of that part of the county-line school district to the junior~~
 6-50 ~~college district in which the remainder of the county-line district~~
 6-51 ~~is a part, is presented to the county judge of that county which has~~
 6-52 ~~jurisdiction of the county-line school district together with a~~
 6-53 ~~certified copy of an order by the governing board of the junior~~
 6-54 ~~college district approving the proposed annexation to the junior~~
 6-55 ~~college district for junior college purposes only, instead of~~
 6-56 ~~ordering an election to be held as provided in Subsection (b) of~~
 6-57 ~~this section, the county judge shall certify the filing of the~~
 6-58 ~~petition and order to the commissioners court. The court at its~~
 6-59 ~~next meeting shall pass an order declaring such non-included part~~
 6-60 ~~of the county-line school district annexed to the junior college~~
 6-61 ~~district for junior college purposes only and cause certified~~
 6-62 ~~copies of the order to be transmitted to the commissioners court of~~
 6-63 ~~every county in which the junior college district and the~~
 6-64 ~~county-line school district have territory. Each such court shall~~
 6-65 ~~make orders concurring in the order and cause same to be entered on~~
 6-66 ~~the minutes of each commissioners court.]~~

6-67 SECTION 7. Sections 130.071, 130.0711, 130.072, and
 6-68 130.073, Education Code, are repealed.

6-69 SECTION 8. Subchapter D, Chapter 130, Education Code, as

7-1 amended by this Act, applies only to annexation by a junior college
7-2 district for which a petition requesting annexation is filed or an
7-3 annexation election is ordered on or after the effective date of
7-4 this Act. If a petition requesting annexation is filed or an
7-5 annexation election is ordered under Subchapter D, Chapter 130,
7-6 Education Code, before the effective date of this Act, the
7-7 annexation procedures related to that petition or election and the
7-8 effect of the petition or election are governed by the law in effect
7-9 immediately before the effective date of this Act, and the former
7-10 law is continued in effect for that purpose.

7-11 SECTION 9. This Act does not affect the validity of an
7-12 agreement entered into before the effective date of this Act
7-13 between a junior college district and another person for the
7-14 provision of educational services by the district.

7-15 SECTION 10. This Act takes effect immediately if it
7-16 receives a vote of two-thirds of all the members elected to each
7-17 house, as provided by Section 39, Article III, Texas Constitution.
7-18 If this Act does not receive the vote necessary for immediate
7-19 effect, this Act takes effect September 1, 2005.

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