

- SUBJECT:** Junior college district branch campus, center, or extension facility
- COMMITTEE:** Higher Education — committee substitute recommended
- VOTE:** 8 ayes — Rangel, Cuellar, F. Brown, Farabee, Goolsby, Morrison, E. Reyna, Wohlgemuth
- 0 nays
- 1 absent — J. Jones
- WITNESSES:** For — Reynaldo Garcia and Ronnie Glasscock, Texas Association of Community Colleges
- Against — None
- BACKGROUND:** Current law has express provisions and exclusions for a junior college district’s courses, branch campuses, centers, and extension facilities “without regard to the geographical bounds of the junior college district” (§130.086 Education Code).
- In 1995, the 74th Legislature assigned service areas for each junior college district, as set forth in the Education Code, chapter 130, subchapter J. Each of the state’s 50 community college districts has a designated service area. In most cases, the service area extends beyond the boundaries of the college taxing district.
- DIGEST:** CSHB 2415 would amend §130.086(f) Education Code to ensure that, in the future, operations of a junior college district would stay inside the service area of that junior college district. CSHB 2415 would provide that if a junior college branch campus, center, or facility was located in an area that ended up being within the boundaries of a second junior college taxing district, the original district would have to cease its operations there within one academic year. The second district would have to compensate the first for costs of capital improvements that could not be recovered.
- CSHB 2070 would amend §130.087(k) Education Code to require that branch campus maintenance taxes be used only for operations within the service area

of a particular junior college taxing district. It would remove current language allowing such taxes to be used only in territory within or contiguous to taxing district boundaries.

The bill would declare that the service area of one junior college district would not include territory within the boundaries of the taxing district of another junior college district. Under CSHB 2415, a junior college district would not be allowed to set up branch campuses or centers, or to buy or rent land or facilities, outside its service area. However, any branch campus or center established before September 1, 1999, would be exempt from this provision. CSHB 2415 would allow districts to offer classes in another district's service area only if the other district was unable to offer those classes.

This bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

HB 2415 would serve to prevent competitiveness among college districts as well as to prevent duplication of services from course offerings to branch campuses. It would bring the statute on establishing extension centers or branch campuses of junior colleges into conformity with the legislation that set up junior college service areas in 1995.

In addition, HB 2415 would provide some protection for colleges that have extension centers or branch campuses that turn out to be located outside their assigned service areas. As a hypothetical example, Howard College, located in Big Spring, operates an extension center in San Angelo. If San Angelo created its own local junior college district, then Howard College would be required to discontinue service in San Angelo within one year. In return, the new college district would be required to compensate Howard College for any unrecoverable capital-improvement costs associated with closing its extension center. The Higher Education Coordinating Board would determine the fair value of the capital improvements.

CSHB 2415 would allow junior college districts to use branch campus maintenance taxes to operate any branch campus supported by the taxing jurisdiction. For example, seven school districts in Johnson County currently levy a branch campus maintenance tax to support the Cleburne branch of Hill College. However, some boundaries of those school districts are not contiguous to the boundaries of the Cleburne district within which the college

branch is located. Under current state law, funds from jurisdictions that are not contiguous may not be used to support the branch campus. CSHB 2415 would allow these taxes to support local branch campuses as long as they are within that junior college district's area of jurisdiction.

**OPPONENTS
SAY:**

The provisions in CSHB 2415 would open the door to creation of unnecessary strife between college districts. The bill would mandate that branch campuses or centers be abandoned within one year if they turn out to be within the boundaries of another junior college's taxing district. Along with the requirement that the original college be compensated for capital improvements, this could cause territorial disputes.

A college district may decide to expand its taxing boundaries on purpose to include territory encompassing another district's branch campus. This would force the original branch campus out.

In another instance, two college districts might prefer to work together to offer services in the same area that complement each other. Under this measure, the two college districts would have to negotiate for a sale neither wants. This could have a chilling effect on cordial relationships among community and junior colleges. CSHB 2415 could well lead to territorial battles instead of cooperation needed among institutions of higher education.

NOTES:

The committee substitute would allow jurisdictions to levy a branch campus maintenance tax to support a non-contiguous branch campus.