

BILL ANALYSIS

Senate Research Center
79R3986 JRJ-F

S.B. 927
By: Ellis
S/C on Higher Education
3/28/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

With the focus now on K-16 education, community 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.

As proposed, 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. Additionally, S.B. 927 provides that only the voters in the territory to be annexed would vote in the annexation election.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 130.071, to read as follows:

Sec. 130.071. ANNEXATION OF TERRITORY IN POLITICAL SUBDIVISIONS BY CERTAIN DISTRICTS.

SECTION 2. Amends Section 130.071, Education Code, by amending Subsections (a), (b), (d), (e), (h), (j), and (k) and adding Subsection (h-1), as follows:

(a) Authorizes a junior college district that is located within part of a municipality or school district, rather than a city, town, or village, to annex additional territory included within the municipality or school district as provided by this section. Makes conforming changes.

(b) Authorizes, rather than requires, 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 the municipality or school district that is not currently located in said district. Requires the election to be held only in the territory, rather than within the boundaries of the district as changed, proposed for annexation. Sets forth certain requirements for the order for the election. Deletes existing text pertaining to an exception provided by Subsection (k).

(d) Requires the governing board to conduct the election in accordance with the Election Code. Deletes existing text referring to the governing board's dealings with election supplies.

(e) Provides that any registered, rather than qualified, voter residing within the territory proposed for annexation is entitled to vote in the election. Makes a conforming change.

(h) Provides that the measure is adopted if approved by a majority of the voters voting at the election. Deletes existing text referring to single-member districts.

(h-1) 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 (h) 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.

(j) 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 district. Deletes existing text pertaining to an annexation not affecting the term of office for governing board members serving on election day.

(k) Makes conforming changes.

SECTION 3. Repealer: Section 130.071(c) (pertaining to the president of the board of trustees giving notice of the election in the manner provided by law for notice by the county judge of general elections), Education Code.

SECTION 4. Effective date: upon passage or September 1, 2005.