

- SUBJECT:** Expanding a public junior college district's authority to annex territory
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 7 ayes — Rangel, F. Brown, Goolsby, J. Jones, Morrison, E. Reyna, Wohlgemuth
- 0 nays
- 2 absent — Cuellar, Farabee
- WITNESSES:** For — Rey Garcia, Texas Association of Community Colleges; Ana M. Guzman, Austin Community College
- Against — None
- BACKGROUND:** Currently, state law allows a junior college district to annex all or part of a school district that is adjacent to its borders. College districts in counties with more than 1.5 million people (Harris and Dallas) may annex non-adjacent school districts within five miles of the annexing district and within the same county. In 1995, the 74th Legislature assigned service areas for each junior college district, as set forth in the Education Code, chapter 130, subchapter J.
- DIGEST:** HB 1869 would allow junior college districts to annex non-contiguous territory within their service areas. The bill would expand the definition of annexable territory to include any area within part or all of a county. It also would make changes to conform with the provisions in the Education Code that defines service areas for each district.
- The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.
- SUPPORTERS SAY:** HB 1869 would allow junior college districts to expand their taxing authority to cover the entire areas they serve. To meet growing educational demands, community colleges have offered courses or opened campuses in locations not contiguous to district boundaries but within their statutorily prescribed service areas. Because those locations are outside current district borders, the community college cannot impose property taxes to pay for the services in

those locations. Also, current law prohibits community colleges from annexing non-contiguous territories. In effect, these territories are receiving free educational services at the expense of taxpayers in areas within the district's borders.

With the ability to annex non-contiguous areas, junior college districts could recruit board members from areas where satellite campuses and classes are offered. This would give representation to all areas receiving services from and paying fees to the junior college districts. Forty-two community college districts across the state would benefit from this change.

While HB 1869 would allow a junior college district to annex any territory within its service area, the bill would leave in place existing law about annexing adjacent territory. Certain junior college districts, in Harris County for example, do not have legislatively prescribed service areas. Without the ability to annex adjacent territory, those community colleges could not expand. Also, college districts still could expand beyond their service areas only if the territory to be annexed was adjacent to the district's borders. This would continue needed flexibility for community colleges to expand as the demand for their services expands.

Safeguards are in place to prevent overreaching by a college district. A territory must agree to annexation by an election or by a contract signed by all property owners in the territory to be annexed. Also, the Texas Higher Education Coordinating Board exercises general control over public community colleges.

**OPPONENTS
SAY:**

HB 1869 would leave in place language that could allow community colleges to overreach their service areas. Tying annexation authority to the service-area definitions in the Education Code might suggest that junior college districts could operate only within their statutorily defined service areas. However, HB 1869 not only would leave intact existing law allowing districts to annex adjacent territory outside of their service area, but also expand that authority by allowing a district to annex entire counties rather than just school districts.