

CHAPTER 694

H.B. No. 501

An Act relating to annexation of county territory by, and to the election of trustees of, certain junior college districts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter D, Chapter 130, Education Code, is amended by adding Section 130.073 to read as follows:

Sec. 130.073. ANNEXATION OF COUNTY TERRITORY BY CERTAIN DISTRICTS. (a) A junior college district that is located in part of a county with a population of more than 900,000 residents may annex the territory included in the county that is not included in the district or another junior college district.

(b) The governing board of the junior college district shall order an election to be conducted in the boundaries of the district as changed by the proposed annexation. The order for the election must:

(1) describe the territory to be annexed; and

(2) set a date for the election that is the next uniform election date that is more than 45 days from the date of the order.

(c) The president of the board of trustees shall give notice of the election in the manner provided by law for notice by the county judge of general elections.

(d) The governing board of the junior college district shall conduct the election in accordance with the Texas Election Code.

(e) Any qualified voter residing in the district or in the territory to be annexed is entitled to vote at the election.

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

(g) To be adopted, the measure must receive a favorable vote of a majority of those voting on the measure.

(h) If the measure is adopted, the governing board of the district shall enter an order declaring the result of the election and that the territory is annexed for junior college purposes. If the governing board members are elected from single-member districts, the order shall also assign the annexed territory to one or more single-member districts that are contiguous with the annexed territory.

(i) If the measure is not adopted, another election to annex the same territory may not be held earlier than one year after the date of the election in which the measure is defeated.

(j) An annexation does not affect the term of office for governing board members serving on election day.

(k) In a junior college district expanded to a countywide district with a population of more than 900,000 residents according to the last preceding decennial census, members of the governing board shall be elected from single-member trustee districts. If members of the governing board of a junior college district subject to this subsection are not already elected from single-member trustee districts, the members shall be elected as provided by this subsection. The governing board of the district shall divide the junior college district into nine single-member trustee districts that are compact and contiguous, and that contain as nearly as practicable an equal number of residents according to the last preceding decennial census. The trustee district positions shall be filled as the staggered terms of incumbent trustees expire, with the first trustees from single-member districts being elected at the first regular trustee election held in a year following the year in which the district became countywide. If an incumbent trustee is a vacancy appointee serving until the next regular election, that position shall also be filled from a trustee district for an appropriately shortened term at that election. If before that election the district was governed by seven trustees, the district shall also elect two additional trustees from trustee districts at that election. The initial terms of the additional trustees shall be for the periods necessary to comply with Section 130.082(e) of this code. The board shall complete the drawing of the single-member district boundaries, and shall determine by lot the order in which the trustee district positions will be filled, not later than the 90th day before the date of that election. Trustees elected under this subsection are elected by the qualified voters of the trustee district the trustee represents. A candidate seeking to represent a trustee district must be a resident of that trustee district and vacates the office if he ceases to reside in that district. A person appointed to fill a vacancy must be a resident of the trustee district he is appointed to represent. Not later than the 90th day before the day of the first election following the date on which the district may officially take notice of the federal census, the board of a district electing trustees under this subsection shall redivide the district into nine trustee districts if the census data indicate that the population of the most populous district exceeds the population of the least populous district by more than 10 percent. If after redistricting only one incumbent trustee resides in a new district, the trustee serves the new district for the remainder of the term to which he was elected. If after redistricting no incumbent or more than one incumbent resides in a new district, the office for trustee of that district becomes vacant, and the vacancy shall be filled in the same manner as other vacancies on the board.

(l) Except as it conflicts with this section, Section 130.082 of this code applies to the governing board and the election of a governing board of a junior college district under this section.

SECTION 2. The heading of Section 130.072, Education Code, is amended to read as follows:

Sec. 130.072. ANNEXATION OF COUNTY TERRITORY BY CERTAIN UNION DISTRICTS.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 27, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 501 on May 27, 1985, by a non-record vote; passed by the Senate, with amendments, on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: August 26, 1985