

CHAPTER 302

S.B. No. 675

An Act relating to the establishment of independent school district, city, union, county, or joint-county junior colleges; amending Sections 130.011, 130.012, 130.013, 130.014, 130.032, 130.034, 130.036, 130.037, and 130.038, Education Code; and repealing Subchapter F, Regional College Districts, Chapter 130 of that code.

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

SECTION 1. Subchapter B, Chapter 130, Education Code, is amended by amending Sections 130.011, 130.012, 130.013, and 130.014 to read as follows:

"Section 130.011. **ESTABLISHMENT OF INDEPENDENT SCHOOL DISTRICT OR CITY JUNIOR COLLEGE.** (a) An independent school district junior college may be established by [in either of the following types of units:

"[(1)] any independent school district or city which has assumed control of its schools meeting the requirements set out in Section 130.032 of this code and subject to the findings of the coordinating board under Section 130.013. [having in either case:

"[(A) an assessed property valuation of not less than \$12 million or having an income provided by endowment or otherwise that will meet the needs of the proposed junior college district as determined by the Coordinating Board, Texas College and University System; and

"[(B) an average daily attendance of the next preceding school year of not fewer than 400 students in the last four grades in the classified high schools within the district or city; or

"[(2) any independent school district or city which has assumed control of its schools having in either case:

"[(A) an assessed property valuation of \$20 million or more and the coordinating board finds that such district or city is in a growing section and that there is a public convenience and necessity for such junior college; and

"[(B) an average daily attendance of the next preceding school year of fewer than 400 but not fewer than 300 students in the last four grades of classified high schools.]

"(b) Any such college district established and maintained as provided in this chapter shall be known as a junior college district.

"Section 130.012. **PETITION TO ESTABLISH.** (a) Whenever it is proposed to establish a junior college district in any type of unit authorized by Section 130.011 of this code, a petition praying for an election, signed by not less than 10 [five] percent of the qualified [taxpaying] electors of the proposed district shall be presented to the school board of trustees of the district or city, which shall:

"(1) pass upon the legality and genuineness of the petition; and

"(2) forward the petition, if approved, to the coordinating board.

"(b) Any petition authorized by this section shall also incorporate a request for the proper authorities, in the event an election is ordered for the creation of such district, to submit at the same election the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, not to exceed the limits provided in Section 130.122 of this code.

"Section 130.013. **ORDER TO ESTABLISH.** It shall be the duty of the coordinating board with the advice of the commissioner of higher education to determine whether or not the conditions set forth in Sections [130.011 and] 130.012 and 130.032 of this code have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish the proposed junior college district. In the exercise of this authority the board shall develop and publish criteria to be used as a basis for determining the need for a public junior college in the proposed district. The board shall determine

whether programs in a proposed institution would create unnecessary duplication or seriously harm programs in existing community college districts. It shall be the duty of the coordinating board to consider the needs and the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be final and shall be transmitted through the commissioner of higher education to the local school board, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district, if the coordinating board endorses its establishment.

"Section 130.014. ELECTION. (a) If the coordinating board approves of the establishment of the junior college district, it shall then be the duty of the local school board to enter an order for an election to be held in the proposed territory *at the next authorized election date as provided in Article 2.01b of the Election Code* [~~within a time not less than 20 days and not more than 30 days after such order is issued~~], to determine whether or not such junior college district shall be created and formed *and to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created.* Such order shall:

"(1) contain a description of the metes and bounds of the junior college district to be formed; and

"(2) fix the date for the election.

"(b) If a majority of the electors voting at the election shall be in favor of the creation of a junior college district, the district shall be deemed to be formed and created. The local school board shall make a canvass of the returns and declare the result of the election within 10 days after holding the election, and enter an order on the minutes of the board as to the result of the election."

SECTION 2. Subchapter C, Chapter 130, Education Code, is amended by amending Sections 130.032, 130.034, 130.036, 130.037, and 130.038 to read as follows:

"Section 130.032. RESTRICTIONS. In order for any territorial unit set out in *Sections 130.011 and* [~~Section~~] 130.031 of this code to establish the applicable type of junior college, the proposed district must have a taxable property valuation of not less than \$2.5 billion [~~\$30 million~~] in the next preceding year and a total scholastic population of not less than 15,000 [~~2,000~~] in the next preceding school year [~~; provided a proposed district may have less than 2,000 scholastics but not less than 2,000 scholastics in the next preceding school year.~~

"[(1) if the proposed district includes a county which

"[(A) has a population of not less than 8,000 nor more than 8,500 inhabitants according to the last preceding federal census;

"[(B) has an assessed valuation of at least \$60 million; and

"[(C) does not have within its boundaries any state/supported senior college or university or all or part of a junior college district; and

"[(2) if the Coordinating Board, Texas College and University System, finds that the proposed junior college district is in a growing section of the state and that there is a public convenience and necessity for the junior college]."

"Section 130.034. TAX LEVY. Any petition authorized by *Sections 130.011 and* [~~Section~~] 130 of this code *shall* [~~may~~] also incorporate therein a request for the proper authorities, in the event an election is ordered for the creation of such district, to submit at the same election the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created, not to exceed the limits provided in Section 130.122 of this code."

"Section 130.036. ORDER TO ESTABLISH. It shall be the duty of the coordinating board, with the advice of the *commissioner* [~~commissioners~~] of higher education to determine whether or not the conditions set forth in the preceding sections of this chapter have been complied with, and also whether, considering the geographic location of colleges already established, it is feasible and desirable to establish a junior college district. *In the exercise of this authority the board shall develop and publish criteria to be used as a basis for determining the need for a public junior college in the proposed district. The board shall determine whether programs in a proposed institution would create unnecessary duplication or seriously harm programs in existing community college districts.* It shall be the duty of the coordinating board in making its decision to consider the needs *and* [~~approving of the state,~~] the welfare of the state as a whole, as well as the welfare of the community involved. The decision of the coordinating board shall be transmitted through the commissioner of higher education to the county school board or boards or the commissioners court or courts, as the case may be, along with the order of the coordinating board authorizing further procedure in the establishment of the junior college district.

"Section 130.037. CALLING ELECTION; SUBMISSION OF QUESTIONS. If the coordinating board approves the establishment of the junior college district, it shall then be the duty of the commissioners court or courts to enter an order for an election to be held in the proposed territory *at the next authorized election date as provided in Article 2.01b of the Election Code*

~~[within a period of not less than 20 days and not more than 30 days after the order is issued], to determine whether or not such junior college district be created and formed [;] and [in the event the petition for the creation of the junior college is accompanied by a request] to submit the questions of issuing bonds and levying bond taxes, and levying maintenance taxes, in the event the district is created [; then the election order shall also submit such questions in accordance with the petition; and except for the body that calls the election, the election as to bonds and taxes shall be held as provided in Section 130.101(b)]. The order shall contain a description of the metes and bounds of the junior college district to be formed and fix the date of the election.~~

“Section 130.038. ELECTION. A majority of the electors in the proposed district, voting in the election, shall determine the question of creation of the junior college district submitted in the order, ~~[and] the election of the original trustees, and the [If the order also submits]~~ questions of issuing bonds and levying taxes. ~~A [; a] majority of the electors voting in such election shall determine such questions [question]~~ submitted in the order. In the case of a joint-county junior college district, or a union junior college district, the election shall, by mutual agreement of the court or courts, be held on the same day throughout the proposed district.”

SECTION 3. Subchapter F, Regional College Districts, Chapter 130, Education Code, is repealed.

SECTION 4. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 19, 1985, by the following vote: Yeas 26, Nays 0; Senate concurred in House amendments on May 16, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 15, 1985, by the following vote: Yeas 132, Nays 0, one present not voting.

Approved: June 7, 1985

Effective: Immediately