

SUBJECT: Revising ballot language for junior college district annexation elections

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 7 ayes — Branch, Alonzo, Cohen, D. Howard, McCall, Patrick, Rose
0 nays
2 absent — Castro, Berman

WITNESSES: For — Sarah Winkler, Alief ISD, Texas Association of School Boards
Against — None
On — Don Hudson, Texas Association of Community Colleges

BACKGROUND: Education Code, ch. 130 assigns service areas to each community college district for providing educational services. A service area is territory within the boundaries of the district as well as territory outside the boundaries of the district in which the community college provides services. A community college district is allowed to enlarge its district boundaries by annexation either by contract or by election.

Education Code, ch. 130.065 sets forth the requirements for annexation by election. The ballot must include a description of the territory proposed for annexation.

DIGEST: CSHB 1814 would require additional information to be included on a ballot for voting for or against the proposition to extend junior college district boundaries. The ballot would have include the name of the junior college district, the territory to be annexed, and a statement that approving the annexation also would authorize the imposition of a property tax for junior college purposes. The district's current tax rate per \$100 valuation of taxable property would have to be listed. If the rate had not been adopted, the tax rate for the preceding year would have to be listed.

The bill would take effect September 1, 2009.

SUPPORTERS
SAY:

CSHB 1814 is a truth-in-taxation bill that would benefit many voters who do not realize that when they vote to approve annexation of their area by a junior college district, they also are voting to tax themselves. This is especially true in smaller communities that do not have a daily newspaper, so some voters may not be completely aware of the issues. Not realizing that annexation would cause their overall taxes to increase can leave them feeling confused and betrayed. It is important to spell out on the ballot the full implications of annexation so voters understand what they are voting on.

When a junior college district holds an election to annex new areas into the district, there is no requirement that the ballot contain even the name of the junior college district, only a description of the territory proposed for annexation. It also does not explain to voters that if the annexation is approved, there would be a corresponding tax to support the junior college services, or what that tax rate would be. CSHB 1814 would address that by requiring essential information that voters need before they vote whether to approve an annexation.

Current law requires school districts to include this information on the ballot for roll-back elections to ratify school taxes or to propose bond issues. The ballot must say what the maximum tax rate could be so it is clear what voters are approving or disapproving. The bill just would extend this requirement to junior college district annexation elections, which also have taxing implications.

Requiring this information on the ballot would not make it more difficult for junior college districts to annex new areas. If a junior college district does a good job of working with and educating a community about the services that would be offered if the community is annexed, it would be a win-win for all involved. Even more important, if a community already has students attending a particular junior college and paying out-of-district rates, being annexed into the college's service district will allow those students to pay in-district rates, thereby significantly decreasing the cost of their education.

If a community is able to receive the types of services from a junior college that meets the needs of the area residents, such as certain types of job training, the community will recognize that and realize it would be worth it to be annexed.

OPPONENTS
SAY:

While transparency and more information for voters is important, including the tax implications of annexation of territory by a junior college district so prominently on the ballot could shift the focus from the important issue of annexation to the tax that would be imposed. During a general election when there are many other issues on the ballot, voters are less likely to be educated about local propositions and might miss the importance of the annexation proposal and how it could benefit their community and simply focus on the tax aspect of the proposal.

NOTES:

The committee substitute specified that the proposition would be on approving authorization to impose a tax rather than on approving the imposition of the tax. It also differs from the bill as filed by requiring that the current tax rate if known, or the rate for the preceding year, be listed rather than the district's maximum permissible tax rate.