



**79th Texas Legislature**

**Session Highlights**

**July 2005**

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## Introduction

Prior to the 79th Legislative Session, the Texas Association of Community Colleges (TACC) adopted two legislative priorities:

- ◆ **Appropriations.** In order to maintain the viability of community and technical colleges as the state's chief providers of an educated and trained workforce, the Legislature must restore funding to institutions of higher education. TACC requested an additional \$357.9 million to the community and technical college formula for FY 2006-07.
- ◆ **Employee Benefits.** In order for community and technical colleges to retain competent and dedicated faculty and staff, the Legislature must restore full funding of employee benefits.

Each of these legislative priorities is discussed in the first section of *Session Highlights*. The second section of this document provides summaries of several bills that have a direct effect on community colleges. The third section highlights other legislation which will have some affect on community colleges. The fourth section provides a list of bills that passed this session which might be of interest to various segments of the community and technical college community. The final section lists selected bills that did not pass the 79<sup>th</sup> Legislature in which TACC had an interest.

## Appropriations

- All funds for the entire state budget for the 2006-07 biennium total \$139.4 billion from all fund sources, an increase of \$12.8 billion (10.1 percent) above the 2004-05 biennium.
- General revenue funds for the entire state budget total \$65.6 billion for the 2006-07 biennium, an increase of \$5.9 billion (9.8 percent) compared to the 2004-05 biennium.
- General revenue appropriations (formula, non-formula, enrollment growth, and new campuses) for Texas Public Community Colleges increased \$162.7 million (9.3 percent) from the previous biennium (see chart below).

### Summary of Community College Appropriations

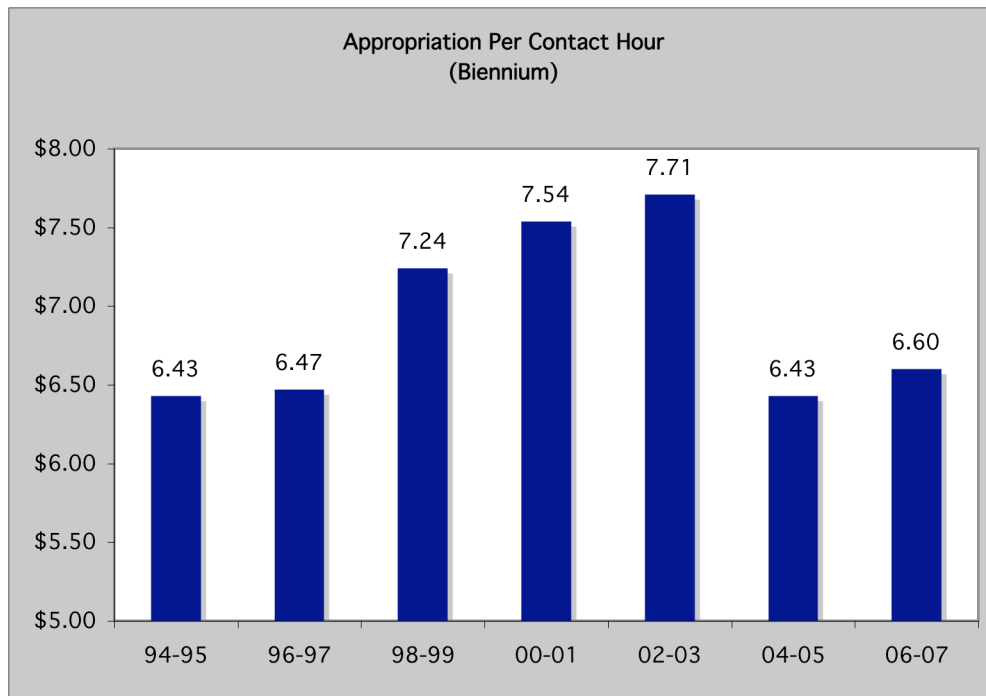
#### General Appropriations Act - SB 1

*By Senator Ogden*

*House Sponsor: Representative Pitts*

Source of Funds	FY 04-05	FY 06-07
Formula Funds	1,497,378,052	1,611,569,438
Non-Formula Items	9,784,584	15,701,394
Enrollment Growth	18,000,000	4,518,786
New Campuses		3,550,167
Group Insurance	220,772,988	277,863,531
Skills Development Fund	24,725,609	9,787,604
Self-Sufficiency Fund	5,971,323	5,971,323
Inmate Education	12,402,675	4,665,429
STARLINK/VCT	1,274,430	1,271,112
<b>TOTAL</b>	<b>1,790,309,661</b>	<b>1,934,898,784</b>

- The Legislature appropriated \$1.61 billion to the community college formula, an increase of \$114.2 million from the previous biennium (7.6 percent increase).
- The 2006-07 appropriation for community colleges represents 53 percent of the full formula.
- The Legislature funded community colleges, the Texas State Technical System, and the Lamar State Colleges at different formula rates.
- Growth in the base year of community and technical college contact hours for 2006-07 was 4.4 percent. Enrollment growth in the base year for the 2006-07 biennium compared to the 2002-03 biennium was 19.9 percent.
- The appropriation per contact hour (dividing the formula appropriation for a biennium by the base period contact hours for that biennium) provides a means for comparing appropriation amounts in terms of enrollment growth. The appropriation to community colleges for the 2006-07 biennium represents a 2.7 percent increase over the 2004-05 biennium, but falls short of TACC's goal of restoring funding to 2002-03 levels.



## Formula Funding by College

College District	Contact Hour Change		Appropriation FY 2004-05	Appropriation FY 2006-07	Percent Difference
	FY 02-03	FY 04-05			
Alamo	27.2%	8.3%	116,139,715	130,737,272	12.6%
Alvin	9.1%	-7.3%	16,128,595	16,128,595	0.0%
Amarillo	13.2%	4.8%	31,380,041	33,623,371	7.1%
Angelina	19.7%	1.3%	16,114,043	16,796,712	4.2%
Austin	12.5%	0.6%	71,421,326	74,150,242	3.8%
Blinn	9.4%	-0.3%	36,552,728	37,744,228	3.3%
Brazosport	-1.6%	-5.3%	11,161,305	11,161,305	0.0%
Central Texas	25.3%	4.6%	35,685,380	38,724,256	8.5%
Cisco	36.4%	19.3%	8,480,006	10,338,862	21.9%
Clarendon	12.8%	14.1%	4,173,513	4,173,513	0.0%
Coastal Bend	11.5%	-3.1%	13,596,085	13,612,445	0.1%
College of the Mainland	17.1%	0.5%	12,252,022	12,707,409	3.7%
Collin	34.9%	10.1%	43,874,793	49,972,012	13.9%
Dallas	14.2%	-2.4%	166,110,437	169,763,216	2.2%
Del Mar	12.6%	-4.1%	37,257,542	37,257,542	0.0%
El Paso	15.0%	9.8%	57,850,930	63,284,766	9.4%
Frank Phillips	30.4%	7.0%	4,989,176	5,477,742	9.8%
Galveston	-14.5%	-4.8%	9,440,802	9,440,802	0.0%
Grayson	21.6%	6.4%	12,083,069	13,040,810	7.9%
Hill	29.4%	0.8%	10,696,819	11,069,699	3.5%
Houston	8.3%	0.5%	117,792,150	122,466,236	4.0%
Howard	17.1%	6.4%	14,160,255	15,906,388	12.3%
Kilgore	-0.8%	-5.3%	20,313,967	20,313,967	0.0%
Laredo	15.8%	7.9%	22,852,919	25,250,674	10.5%
Lee	5.8%	-2.2%	19,998,897	20,120,129	0.6%
McLennan	36.9%	8.9%	23,751,784	26,555,732	11.8%
Midland	20.5%	8.0%	16,078,571	17,734,474	10.3%
Navarro	41.0%	15.3%	17,806,658	21,161,052	18.8%
North Central Texas	24.5%	3.4%	14,679,590	15,607,811	6.3%
North Harris Montgomery	46.3%	16.2%	81,262,134	98,310,654	21.0%
Northeast Texas	27.2%	0.8%	7,411,358	7,673,140	3.5%
Odessa	12.1%	-0.7%	16,636,248	17,242,163	3.6%
Panola	9.1%	3.8%	6,416,240	6,589,408	2.7%
Paris	35.6%	6.2%	13,744,850	14,999,015	9.1%
Ranger	-4.8%	-5.8%	4,173,512	4,173,512	0.0%
San Jacinto	14.3%	4.8%	65,997,817	70,334,386	6.6%
South Plains	26.2%	6.4%	26,115,199	28,744,516	10.1%
South Texas	36.7%	12.6%	39,698,942	46,424,443	16.9%
Southwest Texas	46.0%	18.5%	12,596,832	15,505,069	23.1%
Tarrant	25.9%	5.1%	80,070,713	86,744,457	8.3%

College District	Contact Hour Change		Appropriation FY 2004-05	Appropriation FY 2006-07	Percent Difference
	FY 02-03	FY 04-05			
Temple	16.7%	0.1%	12,166,982	12,310,415	1.2%
Texarkana	16.9%	12.7%	16,282,528	17,888,099	9.9%
Texas Southmost	21.2%	10.1%	21,684,905	24,578,962	13.3%
Trinity Valley	22.5%	4.5%	20,646,692	22,142,813	7.2%
Tyler	15.9%	1.8%	30,416,903	31,952,507	5.0%
Vernon	14.2%	5.9%	10,085,778	10,892,020	8.0%
Victoria	2.1%	4.7%	13,618,233	13,618,233	0.0%
Weatherford	64.4%	3.3%	14,502,097	15,465,370	6.6%
Western Texas	28.1%	-0.8%	5,295,645	5,433,163	2.6%
Wharton	18.7%	1.0%	15,731,326	16,225,831	3.1%
Community College Total	19.9%	4.4%	1,497,378,052	1,611,569,438	7.6%

## Other Appropriations

- ★ **Enrollment Growth:** \$4.5 million was appropriated for all two-year colleges that experience dramatic enrollment growth during the upcoming biennium. Institutions which experience a 10 percent or more increase in total contact hours in semester length courses from Fall 2004 to Fall 2005 are eligible for funds in FY 2006. Institutions which experience a 20 percent or more increase from Fall 2004 to Fall 2006 are eligible for FY 2007.
- ★ **New Campus:** \$3.6 million was appropriated for new campuses at Blinn College, Frank Phillips College, Navarro College, and Northeast Texas Community College.
- ★ **Inmate Education:** The Inmate Education appropriation was reduced \$7.7 million for the biennium to \$4.7 million.
- ★ **STARLINK/VCT:** The \$1.27 million appropriation to STARLINK/VCT was restored at the eleventh hour during the SB 1 conference committee deliberations.
- ★ **TEXAS Grant II:** \$9 million was appropriated to the TEXAS Grant II financial aid program for two year institutions.

## ★ Non-Formula Appropriations

◆ Southwest Institute for the Deaf (Howard)	5,469,298
◆ Bachelor's Degree Pilot Program (Brazosport, Midland, South Texas)	3,000,000
◆ Small Business Development Center (Dallas)	2,730,420
◆ Museums (Blinn, Hill, Midland)	2,379,901
◆ Astronomy Education (Midland)	1,200,000
◆ Hidalgo Advanced Technology and Training Center (South Texas)	500,000
◆ Import/Export Training Center (Laredo)	421,775
<hr/> TOTAL	<hr/> 15,701,394

★ **Reporting Requirement Rider:** Public Community/Junior colleges shall file with the Comptroller of public Accounts and the State Auditor, a Benefits Proportional by Fund Report by November 20<sup>th</sup> for the preceding year ending August 31. The report shall be in a format developed by the Comptroller in consultation with the Legislative Budget Board, the Texas Higher Education Coordinating Board and State Auditor's Office.

★ **Reporting Requirement for Ranger College Rider:** It is the intent of the Legislature to consider linking future appropriations to Ranger College above those amounts generated strictly by formula to overall growth in Ranger College's contact hours to the THECB. To this end, Ranger College shall develop a plan to increase institution contact hours during the 2006-07 biennium. Ranger College shall submit a report detailing the progress of this plan to the THECB no later than November 1, 2006.

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★ **Property Tax Revenue:** Several bills were filed during the 79<sup>th</sup> Legislature that would have restricted the amount of revenue that could be generated from property taxes. TACC estimated the loss of revenue, Depending on whether the bill capped tax rates or placed a limit on the increase of property valuations, the potential loss of property tax revenue for community colleges would be between \$50 and \$100 million per year. None of these bills passed during the regular session (e.g., HB 1006 by Isett and HB 784 by Bohac). Versions of these bills have been filed in the current special session of the Legislature; they do not include community college districts.



## Employee Benefits

### ★ Group Health Insurance

- \$277.9 million was appropriated to community colleges for group health insurance benefits for 2006-07.
- The group health appropriation is \$57.1 million more than the 2004-05 appropriation; a 25.9 percent increase.
- The group health appropriation is \$24.5 million more than the 2002-03 appropriation; a 9.7 percent increase.

### ★ Proportionality During 79<sup>th</sup> Legislature

- In the *Staff Reports* submitted by the Legislative Budget Board (LBB) to the 79<sup>th</sup> Legislature, LBB recommended applying proportionality to state contributions for public community college health benefits. The recommendation was based on LBB's analysis of the FY 2003 Proportional by Fund Report.
- LBB's proportionality formula: Unrestricted General Revenue divided by Total Salary & Wages
- Flaws in LBB formula:
  - Includes salary and wages of non-eligible employees (e.g., physical plant employees) in the numerator
  - Does not include tuition and fees in the denominator.
  - Ignores the state/local staff benefits information provided in the Proportional by Fund Report.
- Proportionality was an SB 1 conference issue. The House version had no proportionality while the Senate version had a 12.5 percent phase-in of proportionality.
- Proportionality, as defined by LBB, was not included in SB 1.

### ★ Proportionality in the Future

- "It is the intent of the Legislature that during fiscal years 2006 and 2007 the Legislative Budget Board use the funds appropriated by this Act to be in a position to implement proportionality for public community colleges starting in the 2008-09 biennium" (Rider in Community College Section of SB 1, III-199).

## Community and Technical College Legislation

Each of the following community and technical college bills was passed by the 79th Legislature and signed into law by the governor. The effective date for each bill is noted in the summary.

### ★ Summer Tuition Installment Plan – HB 993

- **HB 993** by Gonzales permits, but does not require, a Board of Trustees to create an installment payment plan for summer terms less than 6 weeks.
- Effective 6/17/2005

### ★ Rider 50 Relief / Third Attempt of a Course – HB 994

- **HB 994** by Gonzales permits, but does not require, a Board of Trustees to charge a fee to cover the additional cost of a student's third attempt at a course. This will allow institutions to recover the lost state funding.
- Effective 6/18/2005

### ★ Tuition Deregulation – SB 532

- **SB 532** by Shapiro permits, but does not require, a Board of Trustees to set a differential tuition between programs. The amount must conform to the statutory floor rate.
- The bill also grants a Board of Trustees clear authority to charge tuition or any fees necessary for the operation of the institution. This clears-up the issues raised in the Bolton v. DCCCD case.
- Effective 6/17/2005

**★ Annexation – HB 2221**

- **HB 2221** by Luna makes significant changes to the process for annexation and the requirements for setting out-of-district tuition.
- In order to included or participate in a community college district, voters may petition to be annexed or political subdivisions may enter into a contract with a district to provide services.
- When setting out-of-district tuition a board shall consider such factors as, 1) the sufficiency of the rate to promote taxpayer equity, 2) ensure that taxpayers in district do not disproportionately finance out-of-district students, 3) the rate that would generate tuition and fees equal to the total amount of tuition and fees charged to a similarly situated student who resides in the district plus an amount per credit hour determined by dividing the total amount of ad valorem taxes imposed by the district in the tax year preceding the year in which the academic year begins by the total number of credit hours for which the students who were residents of the district enrolled in the district in the preceding academic year.
- In calling an election to annex, the Board must hold a public hearing in the area to be annexed not earlier than the 45th day and not later than the 30th day before the date the board issues the order for the election. The Board must also publish a service plan describing tax information and the educational services to be offered. Any annexation election will only take place in the area to be annexed and only registered voters in that area may participate.
- Repeals Sections 130.071, 130.0711, 130.072, and 130.073 of the Education Code.
- Effective 6/18/2005

**★ Skills Development Fund – HB 2421**

- **HB 2421** by Chavez creates a funding mechanism for the Skills Development Fund by directing 1/10 of a percent of unemployment taxes to be deposited in the Skills Development Fund.

- The bill expands the Funds use to include job incentive programs that create incentives for community and technical colleges to create workforce training programs with employers.
- Effective 6/18/2005

### ★ Hazelwood Exemption

- **SB 1528** by Zaffirini includes language that permits, but does not require, a Board of Trustees to establish a fee for extraordinary costs associated with a specific course or program and to provide that the Hazelwood exemptions does not apply to this fee. Effective 9/1/2005.

### ★ Elections

- **HB 57** by Denny establishes uniform election dates of either the first Tuesday in November or the second Saturday in May and makes conforming changes for canvassing of votes for the May election.
- Repeals any non-uniform date elections for other purposes, e.g. bond or annexation elections.
- Effective 10/1/2005

### ★ Board of Trustees

- **HB 2956** by Hamric, permits, but does not require, the Board of Trustees of a district, with a population greater than one million, to require a candidate for the Board to pay a filing fee not to exceed \$200 or a petition signed by a number of registered voters of the district not to exceed 200. Effective 9/1/2005.
- **SB 114** by Van de Putte, permits, but does not require, the removal of a member of the Board of Trustees if the member is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the board. Effective 9/1/2005.

**★ Service Area Bills**

- **HB 381** by Kolkhorst makes changes to Blinn College's service area. Effective 6/18/2005.
- **HB 776** by Howard makes changes to Wharton County Junior College District. Effective 6/18/2005.
- **HB 1274** by Hardcastle makes changes to the Ranger Junior College District. Effective 6/17/2005.
- **SB 929** by Ellis makes changes to the Houston Community College System District. Effective 5/27/2005.
- **SB 1193** by Wentworth makes changes to the Alamo and Austin Community College Districts. Effective 6/17/2005.

## Other Key Bills

Each of the following bills will affect community colleges either directly or indirectly. Each bill was passed by the 79th Legislature and signed into law by the governor. The effective date for each bill is noted in the summary.

### ★ “Truth in Taxation” Provision – SB 18 (Williams)

- Requires a Community College District that sets an effective tax rate that exceeds the lower of the rollback rate or the effective rate, to hold two public hearings and provide additional notification information.
- Requires Tax Assessors to include additional 5-year disclosure information on tax statements.
- Effective 6/18/2005

### ★ Financial Aid Reform – SB1227 (Shapiro)

- Creates an array of amendments to the Education Code to promote access to institutions of higher education, allow for financial aid administrative savings, and makes clarifying changes.
- Allows students to enroll on an accounts-receivable basis for tuition and fees; it expands the state's emergency tuition and fee loan program to allow awards for textbooks; and it renames the TEXAS Grant II Program the Texas Educational Opportunity Grant.
- Streamlines the enrollment requirements and years of eligibility to receive TEXAS Grants and Texas Equalization Grants (TEG). It also requires TEG recipients to maintain a 2.5 GPA to remain eligible and provides institutions the flexibility to offer less than the maximum award for TEXAS Grants.
- Requires the Governor to name a student as a non-voting member of the Board of Regents of public universities.
- Effective 9/1/2005

**★ Contractual Language and Suit – HB 2039 (Nixon)**

- Clarifies that all local governmental entities (including community college districts) that are given the statutory authority to enter into contracts, shall not be immune from suits arising from those contracts, subject to certain limitations.
- Effective 9/1/2005

**★ Dual Credit Pilot – SB 151 (Zaffirini)**

- Establishes a pilot project to encourage at-risk students to participate in dual-credit programs. Requires a governing Board of a community college participating in the pilot to waive the tuition and mandatory fees charged by the college or a student who meets certain requirements. Since no appropriation was made to fund pilot program it will not be implemented this biennium.
- Effective 6/18/2005

**★ Military Service**

- **HB 133** by Brown requires an institution of higher education to consider the student's completion of certain military training in determining whether to award course credit toward a degree. Effective 6/18/2005.
- **HB 1170** by Miller allow the student the same academic status that the student had before the student's withdrawal, including any course credit awarded to the student by the institution. Effective 6/17/2005.
- **HB 1630** by McReynolds requires an institution of higher education to excuse a student from attending classes or engaging in other required activities, including examinations, in order for the student to participate in active military service including travel associated with the service. Effective 6/17/2005.

- **SB 579** by Van de Putte allows students who are dependents of deployed Texas servicemen and servicewomen and who have graduated from DoD high schools not earlier than the 2002-2003 school year to be eligible for the B-On-Time loan program. Effective 6/17/2005.

★ **Common Application – SB 502 (West)**

- Requires the Coordinating Board to collaborate with community college representatives to develop a common application form for junior college districts, public state colleges, and public technical institutes.
- Effective 9/1/2005.



## Other Higher Education Bills

- **HB 495** (Miller). Relating to the student enrollment required for the operation of Texas A&M University--Central Texas as an independent general academic teaching institution. Effective 6/17/2005.
- **HB 868** (Ritter). Relating to the establishment of a Center for Excellence in Deaf Studies and Deaf Education at Lamar University. Effective 6/17/2005.
- **HB 1172** (Brown). Relating to policies and measures to promote timely graduation of students from public institutions of higher education.
- **HB 1331** (Chavez). Relating to interagency cooperation. Effective 6/17/2005.
- **HB 1409** (Coleman). Relating to the authority to change the name of component institutions of The Texas A&M University System. Effective 6/17/2005.
- **HB 1509** (Denny). Relating to the requirements for the validity of a signature on certain petitions. Effective 9/1/2005.
- **HB 1737** (Flores). Relating to the establishment of dual usage educational complex by a junior college district and other political subdivision or institution of higher education. Effective 6/18/2005.
- **HB 1829** (Wong). Relating to authorizing certain institutions of higher education to charge fees for processing or handling certain payments or payment transactions. Effective 6/18/2005.
- **HB 2274** (Cook, Bryon). Relating to the continuation and functions of the Texas Guaranteed Student Loan Corporation. Effective 9/1/2005.
- **HB 2808** (Morrison). Relating to the duties of the P-16 council. Effective 9/19/2005.

- **SB 30** (Zaffirini). Relating to tuition and fee exemptions for students contracting to graduate in a timely manner from public institutions of higher education. Effective 6/17/2005
- **SB 34** (Zaffirini). Relating to the governing board of a state university or state university system and to the tuition rebate program for certain undergraduates at certain state institutions of higher education. Effective 6/17/2005.
- **SB 111** (Shapleigh). Relating to undergraduate course credit granted by certain public institutions of higher education for completion of the international baccalaureate diploma program. Effective 9/19/2005.
- **SB 276** (Staples). Relating to authorizing The University of Texas Health Science Center at Tyler to offer courses and degree programs in allied health and related fields. Effective 6/1/2005.
- **SB 296** (Madla). Relating to the operation of Texas A&M University-San Antonio, including the student enrollment required for operation as an independent general academic teaching institution and supplemental funding of the university. Effective 6/17/2005.
- **SB 302** (Ellis). Relating to reports regarding participation in higher education. Effective 6/17/2005.
- **SB 511** (Duell). Relating to public testimony at regular meetings of the governing board of a general academic teaching institution. Effective 6/17/2005.
- **SB 776** (Van de Putte). Relating to persons eligible to administer or take a high school equivalency examination. Effective 6/17/2005.
- **SB 1146** (Shapiro). Relating to an early college education program to provide at-risk and other students accelerated high school graduation and college credit. Effective 6/17/2005
- **HB 1215** (Morrison). Relating to the degree programs offered by the University of Houston-Victoria. Effective 6/18/2005.

- **SB 1226** (Shapiro). Relating to a study of the reporting requirements imposed on public institutions of higher education. Effective 6/17/2005.
- **SB 1227** (Shapiro). Relating to payment of the costs of attending public and private postsecondary educational institutions and to financial aid and other measures to assist students to pay those costs. Effective 9/1/2005.
- **SB 1452** (Lucio). Relating to the Texas Academy of Mathematics and Science at The University of Texas at Brownsville. 6/17/2005.
- **SB 1809** (Wentworth). Relating to conducting and financing the Texas Tech-Prep Program. Effective 9/1/2005.

## Bills That Did Not Pass

- **HB 609** (Giddings). Relating to tuition rebate incentives for persons who complete certain degree and certificate programs without excessive credit hours.
- **HB 730** (Nixon) / **SB 238** (Janek). Relating to training for members of the governing boards of public institutions of higher education.
- **HB 784** (Bohac). Relating to providing tax relief and protection for ad valorem taxpayers.
- **HB 1006** (Isett). Relating to certain limitations on the ad valorem tax rates of certain taxing units.
- **HB 1521** (Goolsby) / **SB 722** (Lucio). Relating to the creation of the TexasNextStep grant program to pay tuition and required fees and textbook costs of certain students enrolled in two-year public institutions of higher education in this state.
- **HB 1725** (Casteel) / **SB 158** (Fraser). Relating to the authority of another institution of higher education to conduct vocational or technical courses in the service area of a junior college district.
- **HB 2375** (McClendon) / **SB 1780** (Van de Putte). Relating to the issuance of bonds or other obligations by certain junior college districts.
- **HB 2625** (Smith, Wayne). Relating to election of trustees of certain junior college districts by cumulative voting.
- **HB 2803** (Morrison). Relating to the sale of facilities of public institutions of higher education to real estate investment trusts.
- **HB 3014** (Allen, Alma). Relating to the use of local public junior colleges to provide training to state agency employees.
- **HB 3032** (Strama). Relating to reduced tuition for certain public junior college district students.

- **HB 3370** (Solis) / **SB 1671** (Hinojosa). Relating to higher education tuition exemptions for members of certain groups that are underrepresented among the faculty or administration of public junior colleges.
- **HB 3413** (Alonzo) / **SB 916** (Gallegos). Relating to Mexican American studies programs and course work at certain public junior colleges.
- **SB 1320** (Staples). Relating to the sovereign immunity and liability to be sued of a junior college district.
- **SB 1544** (West). Relating to the purchasing and contracting practices of public junior college districts; providing criminal penalties.
- **SB 1716** (Van de Putte). Relating to the sale of instructional materials to students of institutions of higher education.
- **SB 1778** (Van de Putte). Relating to reporting of personal financial information by trustees of certain junior college districts and to candidates for office of certain political subdivisions; providing civil and criminal penalties.