



Testimony on House Bill 2090

House Education Committee

January 28, 2021

Chair Alonso Leon, Vice-Chairs Neron and Weber, and members of the Committee. My name is Kyle Thomas and I am the Director of Legislative and Policy Affairs for the Higher Education Coordinating Commission (HECC). Thank you for the opportunity to testify on HB 2090, a HECC sponsored bill to make adjustments to the processes we use to alter community college service district boundaries.

As some Committee members may be aware, the Commission is the entity charged to initiate or review properly filed petitions to initiate changes in the service district boundaries of community colleges. I have submitted supplementary material to the Committee that describes the current statutory process in detail.

In brief, if the Commission initiates a change in community college boundaries or if it receives a petition from the fewer of 500 registered voters or 10% of the population of registered, it engages in a public hearing process, followed by Commission deliberation. While the Commission can initiate boundary changes on its own, in practice, the Commission currently considers these changes local issues, and responds only to petitions from community members or requests from community leaders.

In determining whether to order a boundary change, the Commission is only required to find “that the proposed change will have no substantially adverse effect upon the ability of the affected districts to provide and continue their programs and is not made solely for tax advantages to property owners in the district or area affected by the proposed change.” If the Commission orders a change, that order is forwarded to the legislature for codification. Next week, the Commission is likely to hear two bills codifying Commission orders.

These bills are the first two boundary change actions the Commission has undertaken since its inception, and in considering these boundary changes, it has determined the statutes, initially drafted in the 1970s, could benefit from process improvements and clarifications, as well as alignments that account for present practices.

HB 2090 makes the following changes:

- Limits the petition circulation period to 90 days. Currently the circulation period is unbounded, and it is hard to gauge public sentiment if a petitioner may circulate for an unlimited period of time

- Ensures the Commission can provide an ADA compliant public hearing when an ADA compliant public facility does not exist in the petitioned territory, by allowing the Commission to seek a facility as near as possible to the territory
- Alters the remonstrance petition period from before the commission issues an order until after, so that residents understand if a remonstrance is required. This improves the visibility of the Commission's work
- Clarifies that HECC may resubmit orders to the Legislative Assembly if those orders are not acted upon. HECC believes it has this authority today, but wishes to make it explicit in statute
- Requires HECC to hold an election on a boundary change question only if funds are appropriated to pay for such election. Currently, HECC may be forced to spend funds on a local election that have not been appropriated. This would be disruptive to HECCs budget and operations
- Clarifies how assets and liabilities are to be divided in the case of secession. Namely, it clarifies that district property remains with the district, regardless of its physical location
- Clarifies that payments on bonded debt shall continue to be required pursuant to the terms of the debt when it was incurred
- Clarifies how current services funding is to be allocated in the event a territory switches districts

The Commission hopes you will view these changes as improving the process, and ensuring that changes to community college district boundaries can occur smoothly and in line with the wishes of the communities involved, and ask for your support of this bill.

Thank you for your time today.