

## **BILL ANALYSIS**

C.S.H.B. 3725  
By: Elkins  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Stafford Municipal School District (SMSD), the only municipal school district in Texas, was created by the City of Stafford (City) in 1977. Under Education Code §11.303, the school's tax rate is determined by a super majority vote of the combined membership of the city council and the school board. The City then levies the tax by city ordinance (and under authority of the Education Code) but the proceeds of that tax go to the school. In addition, the City uses portions of its own, separate, municipal tax revenues to furnish considerable resources and facilities used in the education of SMSD students, who are also citizens of the City.

The taxing methods and mechanisms for SMSD have become cumbersome and entangled. The students of SMSD and the citizens of the City would be better served by a governmental structure that gave a single governing body sole responsibility for raising the funds to support the school. C.S.H.B. 3725 provides a local special election mechanism for local voters to resolve a local problem.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3725 amends the Education Code to require the governing body of each home-rule municipality that has a municipal school district within the municipal boundaries to order a special election that will be held to determine the control and governance of the school district. The bill mandates two propositions are included on the ballot for the uniform election date to be held on November 6, 2008. One proposition would require the city council of a municipality to take full responsibility and would convert the elected school board into an appointed board of trustees. The term of each elected school board official would end but would continue to serve in that capacity until removed by the governing body of the home-rule municipality. This bill provides for the timing of assumption of control, the governance, the terms of office, and other issues related to administering and enabling this proposition, if passed by the voters.

The other proposition would convert a municipal school district into an independent school district. The bill provides for the eventuality of this proposition being passed by providing that the newly created independent school district and the former municipal school district have no further relationship with the home rule municipality, if passed by the voters.

The ballot requires a voter to vote for or against each proposition. This bill further provides that if both propositions receive a majority vote, then the proposition receiving the highest total number of affirmative votes shall prevail. If neither proposition receives a majority vote, then the governmental structure would continue as before the election. C.S.H.B. 3725 adds the effective date of the bill.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

C.S.H.B. 3725 80(R)

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 3725 went through the Legislative Council process to conform to current language in law where as H.B. 3725 was written as text only and did not go through the process. C.S.H.B. 3725 sets the special election to be held on November 6, 2008. The substitute clarifies that if neither proposition receives a majority of the vote, then the governmental structure would continue as before the election. C.S.H.B. 3725 adds the effective date language to the bill.