

By: Elkins

H.B. No. 3725

A BILL TO BE ENTITLED

AN ACT

relating to the taxing authority of certain home rule municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 11, Education Code, is amended by adding to Section 11.303 new Subsections (i), (j), and (k) to read as follows:

(i) The governing body of each home rule municipality having a municipal school district within its boundaries shall, on or before September 30, 2007, order a special election on the two propositions set forth in subsections (1) and (2) below, which election shall be held not later than the first uniform election date following the expiration of sixty (60) days after the date of the election order. Only one election for a change in governance of a municipal school district shall be held. The ballot for such election shall allow a voter to vote for or against each proposition. If both propositions receive a majority vote of the qualified electors voting at such election, only the proposition receiving the highest number of favorable votes shall be deemed approved.

(1) The first ballot proposition shall be: "The assumption of control and governance of the _____ Municipal School District by the City Council of the City of _____."

(2) The second ballot proposition shall be: "The

1 conversion of the _____ Municipal School District to an
2 independent school district."

3 (j) If the proposition in subsection (i)(1) for assumption
4 of governance of the municipal school district by the home rule
5 municipality is approved, then the assumption of governance of the
6 municipal school district by the home rule municipality shall occur
7 immediately upon the final canvass of the returns and declaring of
8 results of the election approving such assumption. The terms of
9 office of each member of the board of trustees of the municipal
10 school district shall terminate upon the canvass of returns and
11 declaration of results of such election, but each such member of the
12 board of trustees shall hold over in such capacity until removed by
13 the governing body of the home rule municipality. Members of an
14 appointive board of trustees for the municipal school district,
15 including those holding over following an election under subsection
16 (i), may be appointed by the governing body of the home rule
17 municipality for terms, but shall be removable at any time, with or
18 without cause, by the governing body of the home rule municipality.
19 The appointive board of trustees shall constitute the "governing
20 board" of the school district for the purposes of Chapter 45 of this
21 Code, and the procedures set forth in subsections (b) through (f) of
22 this section shall not apply to any such appointive board of
23 trustees.

24 (k) If the proposition in subsection (i)(2) for conversion
25 of the municipal school district into an independent school
26 district is approved, the status of the municipal school district
27 shall be changed to that of an independent school district

1 immediately upon the canvass of returns and declaration of results
2 of such election. As a newly created independent school district,
3 the former municipal school district shall have no further
4 relationship with the home rule municipality. An independent
5 school district created pursuant to an election held under
6 subsection (i) of this section shall cease to be governed by the
7 provisions of Section 11.303 of this Code and shall operate
8 pursuant to Subchapters B through F of this Chapter 11.