

BILL ANALYSIS

C.S.H.B. 2016
By: Keffer
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a school district may enter into a detachment and annexation process with another school district by which territory is detached from one district and annexed to another district that is contiguous to the detached territory. Because a school district also may consolidate its territory with another district, there is concern that too few protections exist to protect a vote or agreement to consolidate school districts under the current detachment and annexation process. For example, two school districts may vote in favor of or sign an agreement to consolidate, while one of the districts may at the same time be planning to detach and annex a portion of its territory to another district, with the result that the original intent of school districts engaged in an active consolidation process may be undermined by the alterations in the territory they thought was being consolidated. C.S.H.B. 2016 seeks to establish a safeguard for school districts engaged in an active consolidation process.

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. 2016 amends the Education Code to prohibit any of the boards of trustees of the school districts that have adopted a resolution in favor of consolidation, if such a resolution has been adopted by the board of trustees of each other school district proposed to be consolidated into a particular single district, from receiving or considering a petition requesting detachment and annexation of district territory without the consent of each of the other of those boards of trustees before consolidation or before consolidation is disapproved at an election.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2016 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter D, Chapter 13, Education Code, is amended by adding Section 13.160 to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter D, Chapter 13, Education Code, is amended by adding Section 13.1521 to read as follows:

Sec. 13.160. RECEIPT OR CONSIDERATION OF PETITION REQUESTING DETACHMENT AND ANNEXATION BY DISTRICT CONSOLIDATING UNDER LOCAL CONSOLIDATION AGREEMENT.

Pending the effective date of consolidation and the assumption of office by the initial board of trustees of a school district consolidated under a local consolidation agreement under Section 13.158, the board of trustees of a district consolidating with one or more other districts under the agreement may not receive or consider a petition requesting detachment and annexation under Subchapter B without the consent of a majority of the board of trustees of each district consolidating under the agreement.

SECTION 2. Section 13.160, Education Code, as added by this Act, applies only in the case of a local consolidation agreement entered into by school districts on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Sec. 13.1521. RECEIPT OR CONSIDERATION OF PETITION REQUESTING DETACHMENT AND ANNEXATION AFTER ADOPTION OF CONSOLIDATION RESOLUTIONS.

If a resolution in favor of consolidation has been adopted by the board of trustees of each school district proposed to be consolidated into a particular single district, none of those boards of trustees may receive or consider a petition requesting detachment and annexation under Subchapter B without the consent of each of the other of those boards of trustees:
(1) before consolidation; or
(2) before consolidation is disapproved at an election under Section 13.153.

No equivalent provision.

SECTION 2. Same as introduced version.