

By: VanDeaver

H.B. No. 2047

A BILL TO BE ENTITLED

AN ACT

relating to the detachment and annexation of school district territory by agreement.

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

SECTION 1. Subchapter B, Chapter 13, Education Code, is amended by adding Section 13.0515 to read as follows:

Sec. 13.0515. DETACHMENT AND ANNEXATION OF TERRITORY BY AGREEMENT. (a) In accordance with this section, two or more contiguous school districts may enter into a boundary change agreement to transfer or exchange territory through detachment and annexation. Each school district that is a party to the agreement to detach and annex territory must conduct a hearing and adopt a resolution approving the boundary change as provided by this section.

(b) Before adopting a boundary change agreement, each school district shall appoint two members from the district's board of trustees and one member from the district's administration to a boundary change committee.

(c) The boundary change committee established under Subsection (b):

(1) shall investigate a potential transfer or exchange of territory through detachment and annexation between the school districts; and

(2) may develop and propose a written boundary change

1 plan to present to the board of trustees of each school district.

2 (d) A boundary change plan developed under Subsection (c)
3 must include:

4 (1) a designation of each territory to be detached and
5 annexed by a metes and bounds description;

6 (2) the total taxable valuation of the property in
7 each designated territory according to the most recent certified
8 appraisal roll;

9 (3) a summary of any social, economic, or educational
10 effects of approving the boundary changes;

11 (4) a summary of the educational interests of the
12 current students residing or future students expected to reside in
13 each designated territory;

14 (5) a school finance summary that shows the fiscal
15 impact of the proposed boundary changes for each affected school
16 district; and

17 (6) a proposed boundary change agreement describing
18 the proposed boundary changes.

19 (e) The territory designated for detachment and annexation
20 under a boundary change agreement must be contiguous to the school
21 district receiving the territory.

22 (f) A boundary change agreement may not reduce a school
23 district's territory to an area of less than nine square miles.

24 (g) A boundary change committee may not propose a boundary
25 change plan unless at least two of the three members of the
26 committee from each school district approve the plan. On approval
27 of the plan, the committee shall submit the written boundary change

1 plan to the board of trustees of each affected school district.

2 (h) Immediately following receipt of the boundary change
3 plan, each affected board of trustees shall give notice of the
4 proposed boundary change plan by publishing and posting a notice in
5 the manner required for an election order under Section 13.003. The
6 notice must specify the place and date at which a hearing on the
7 proposed boundary change shall be held. Unless the districts hold a
8 joint hearing, the districts must hold hearings on separate dates.
9 At each hearing, members of the boundary change committee and
10 affected persons are entitled to an opportunity to be heard.

11 (i) At the hearing, each board of trustees shall consider
12 the boundary change plan, the information received from members of
13 the boundary change committee and affected persons, the educational
14 interests of the current students residing or future students
15 expected to reside in each designated territory and in each
16 affected district, and the social, economic, and educational
17 effects of the proposed boundary change plan. A board of trustees
18 may not amend the proposed boundary change plan or agreement. After
19 the conclusion of the hearing, each board of trustees shall adopt a
20 resolution approving or disapproving the boundary change plan and
21 agreement. The resolution and boundary change agreement shall be
22 recorded in the minutes of each affected board of trustees and shall
23 be reported to the commissioners court of each county to which a
24 district receiving territory is assigned for administrative
25 purposes by the agency and to the commissioners court of each county
26 to which a district from which territory is to be detached is
27 assigned for administrative purposes.

1 (j) If each board of trustees of the affected districts
2 approves the boundary change agreement, the commissioners court or
3 commissioners courts to whom the matter is required to be reported
4 shall enter an order redefining the boundaries of the districts
5 affected by the transfer or exchange of territory in accordance
6 with the boundary change agreement. Title to all real property of a
7 district from which territory is detached within the territory
8 annexed vests in the receiving district, and the receiving district
9 assumes and is liable for any portion of the indebtedness of a
10 district from which the territory is to be detached that is
11 allocated to the receiving district under Section 13.004.

12 (k) If the board of trustees of each district that is a party
13 to the boundary change agreement approves the agreement, the
14 decisions are final and may not be appealed.

15 (l) Section 13.002 does not apply to this section.

16 (m) Any additional tax resulting from a change of use, as
17 provided for by Chapter 23, Tax Code, and the interest and penalty
18 on the additional tax, that is imposed for any year on land in
19 annexed territory shall be paid to the school district that imposed
20 the tax.

21 SECTION 2. The heading to Section 13.051, Education Code,
22 is amended to read as follows:

23 Sec. 13.051. DETACHMENT AND ANNEXATION OF TERRITORY BY
24 PETITION.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.