86R9123 CAE-D

By:  Anchia H.B. No. 3387

A BILL TO BE ENTITLED

AN ACT

relating to abolishing a dissolution committee established to abolish certain county boards of education or boards of county school trustees and appointing commissioners courts to assume the duties of the dissolution committee.

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

SECTION 1.  Section 15.001, Chapter 967 (S.B. 2065), Acts of the 85th Legislature, Regular Session, 2017, is amended by amending Subsections (b) and (s) and adding Subsections (t), (u), (v), (w), (x), and (y) to read as follows:

(b)  If on the effective date of this Act there is an existing contract for transportation services to which a county board of education, board of county trustees, or office of county school superintendent is a party, it shall be wound down in the manner described by Subsections (c)-(y) [~~(c)-(r)~~] of this section.

(s)  Any dissolution committee created as provided by this Act is abolished on September 1, 2019, and all duties and obligations of the committee are transferred to the commissioners court of the county in which the county board of education or board of county school trustees was located. On September 1, 2019, the commissioners court assumes ownership of and responsibility for all assets, liabilities, and contracts of the county board of education, board of county school trustees, or dissolution committee and shall take control of any funds of the dissolution committee, including any sinking fund created by the dissolution committee as provided by Subsection (h) of this section [~~the date all debt obligations of the county board of education or board of county school trustees are paid in full and all assets distributed to component school districts~~].

(t)  The commissioners court shall continue to assess, levy, and collect any ad valorem tax adopted by the county board of education, board of county school trustees, or dissolution committee. The commissioners court shall continue to levy the tax annually at the rate adopted previously by the dissolution committee until all debt of the county board of education or board of county school trustees described in a final judgment of a district court in litigation between the dissolution committee and the county is discharged in accordance with the terms of that judgment. Notwithstanding any other law, the commissioners court is not required to take action each year to adopt the rate of the tax authorized by this subsection. To the extent this subsection conflicts with Subsection (m) of this section, this subsection prevails.

(u)  The commissioners court may deduct from the proceeds of the ad valorem tax assessed, levied, and collected by the commissioners court under Subsection (t) of this section a reasonable and proportionate share for the administrative costs of collecting the tax. Any delinquent tax shall be collected by the commissioners court in the same manner that a delinquent county tax is collected and used in accordance with administrative rule adopted by the commissioner of education for delinquent taxes.

(v)  The commissioners court shall pay all other debts or claims not described by Subsection (t) of this section, including claims for workers' compensation and unemployment compensation filed on or before September 1, 2019, from funds reserved and retained by the dissolution committee for that purpose.

(w)  All claims against the county board of education, board of county school trustees, or dissolution committee not filed on or before September 1, 2019, are barred. A lawsuit may not be filed against the county board of education, board of county school trustees, or dissolution committee after September 1, 2019. This provision takes precedence over any other statute of limitations.

(x)  The commissioners court may use funds described by Subsection (v) of this section to perform the duties related to the abolishment of the dissolution committee, including:

(1)  paying reasonable administrative expenses, including legal fees and expenses; and

(2)  employing any person needed to assist with the abolishment and dissolution of the county board of education, board of county school trustees, or dissolution committee.

(y)  On completion of payment of all debt as provided by Subsection (t) of this section and any other debts or claims under Subsection (v) of this section, any remaining money must be distributed on a proportionate basis to the school districts in the county, based on the percentage of each district's number of enrolled students to all students enrolled in the county in the school year immediately preceding the distribution. To the extent this subsection conflicts with Subsection (o) of this section, this subsection prevails.

SECTION 2.  Section 18, Chapter 925 (S.B.  1566), Acts of the 85th Legislature, Regular Session, 2017, is repealed.

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, 2019.