

By: Bettencourt

S.B. No. 2311

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to abolishing certain county boards of education, boards  
3 of county school trustees, and offices of county school  
4 superintendent.

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

6 SECTION 1. (a) Each county board of education, board of  
7 county school trustees, and office of county school superintendent  
8 in a county with a population of 3.3 million or more is abolished  
9 effective September 1, 2021, unless the continuation of the county  
10 board of education, board of county school trustees, and office of  
11 county school superintendent is approved by a majority of voters at  
12 an election held on the November 2020 uniform election date in the  
13 county in which the county board of education, board of county  
14 school trustees, and office of county school superintendent are  
15 located. Subsections (b)-(o) of this section do not take effect in  
16 a county if the continuation of the county board of education, board  
17 of county school trustees, and office of county school  
18 superintendent is approved at the election held in the county under  
19 this subsection.

20 (b) Not later than January 1, 2021, a dissolution committee  
21 shall be formed for each county board of education or board of  
22 county school trustees to be abolished as provided by Subsection  
23 (a) of this section. The dissolution committee is responsible for  
24 all financial decisions for each county board of education or board

1 of county school trustees abolished by this Act, including asset  
2 distribution and payment of all debt obligations.

3 (c) A dissolution committee required by this Act shall be  
4 appointed by the comptroller and include:

5 (1) one financial advisor;

6 (2) the superintendent of the participating component  
7 school district with the largest number of students in average  
8 daily attendance or the superintendent's designee;

9 (3) one certified public accountant;

10 (4) one auditor who holds a license or other  
11 professional credential;

12 (5) one bond counsel who holds a license or other  
13 professional credential; and

14 (6) one person appointed by the commissioner of  
15 education.

16 (d) A dissolution committee created under this Act is  
17 subject to the open meetings requirements under Chapter 551,  
18 Government Code, and public information requirements under Chapter  
19 552, Government Code.

20 (e) Members of a dissolution committee may not receive  
21 compensation but are entitled to reimbursement for actual and  
22 necessary expenses incurred in performing the functions of the  
23 dissolution committee.

24 (f) Subject to the other requirements of this Act, the  
25 dissolution committee shall determine the manner in which all  
26 assets, liabilities, contracts, and services of the county board of  
27 education or board of county school trustees abolished by this Act

1 are divided, transferred, or discontinued. The dissolution  
2 committee shall create a sinking fund to deposit all money received  
3 in the abolishment of each county board of education or board of  
4 county school trustees for the payment of all debts of the county  
5 board of education or board of county school trustees.

6 (g) The dissolution committee may employ one person to  
7 assist in the abolishment of the county board of education or board  
8 of county school trustees.

9 (h) On September 1, 2021, the participating component  
10 school district with the largest number of students in average  
11 daily attendance has the right of first refusal to buy, at fair  
12 market value, the administrative building of the county board of  
13 education or board of county school trustees.

14 (i) An ad valorem tax assessed by a county board of  
15 education or board of county school trustees shall continue to be  
16 assessed by the county on behalf of the board for the purpose of  
17 paying the principal of and interest on any bonds issued by the  
18 county board of education or board of county school trustees until  
19 all bonds are paid in full. This subsection applies only to a bond  
20 issued before the effective date of this Act for which the tax  
21 receipts were obligated. On payment of all bonds issued by the  
22 county board of education or board of county school trustees the ad  
23 valorem tax may not be assessed.

24 (j) In the manner provided by rule of the commissioner of  
25 education, the county shall collect and use any delinquent taxes  
26 imposed by or on behalf of the county board of education or board of  
27 county school trustees.

1           (k) The dissolution committee shall distribute the assets  
2 remaining after discharge of the liabilities of the county board of  
3 education or board of county school trustees to the component  
4 school districts in the county in proportionate shares equal to the  
5 proportion that the amount of money a district has submitted to the  
6 county board of education or board of county school trustees has to  
7 the total amount of money submitted by all districts. The  
8 dissolution committee shall liquidate board assets as necessary to  
9 discharge board liabilities and facilitate the distribution of  
10 assets. A person authorized by the dissolution committee shall  
11 execute any documents necessary to complete the transfer of assets,  
12 liabilities, or contracts.

13           (1) The dissolution committee shall encourage the component  
14 school districts to:

15                   (1) continue sharing services received through the  
16 county board of education or board of county school trustees; and

17                   (2) give preference to private sector contractors to  
18 continue services provided by the county board of education or  
19 board of county school trustees.

20           (m) The chief financial officer and financial advisor for  
21 the county board of education or board of county school trustees  
22 shall provide assistance to the dissolution committee in abolishing  
23 the county board of education or board of county school trustees.

24           (n) The Texas Education Agency shall provide assistance to a  
25 dissolution committee in the distribution of assets, liabilities,  
26 contracts, and services of a county board of education or board of  
27 county school trustees abolished by this Act.

1           (o) Any dissolution committee created as provided by this  
2 Act is abolished on the date all debt obligations of the county  
3 board of education or board of county school trustees are paid in  
4 full and all assets distributed to component school districts.

5           SECTION 2. Section 52.092(e), Election Code, is amended to  
6 read as follows:

7           (e) County offices shall be listed in the following order:

- 8                   (1) county judge;
- 9                   (2) judge, county court at law;
- 10                  (3) judge, county criminal court;
- 11                  (4) judge, county probate court;
- 12                  (5) county attorney;
- 13                  (6) district clerk;
- 14                  (7) district and county clerk;
- 15                  (8) county clerk;
- 16                  (9) sheriff;
- 17                  (10) sheriff and tax assessor-collector;
- 18                  (11) county tax assessor-collector;
- 19                  (12) county treasurer;
- 20                  (13) ~~county school trustee (county with population of~~  
21 ~~3.3 million or more);~~
- 22                  ~~[(14)]~~ county surveyor.

23           SECTION 3. Chapter 595 (H.B. 689), Acts of the 59th  
24 Legislature, Regular Session, 1965 (Article 2676c, Vernon's Texas  
25 Civil Statutes), is repealed.

26           SECTION 4. This Act takes effect September 1, 2019.