

By: Geren

H.B. No. 5089

Substitute the following for H.B. No. 5089:

By: Buckley

C.S.H.B. No. 5089

A BILL TO BE ENTITLED

AN ACT

relating to creation of a school district by detachment of territory from an existing school district.

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

SECTION 1. Section 13.103, Education Code, is amended to read as follows:

Sec. 13.103. INITIATION OF DETACHMENT. (a) Creation of a new district by detachment of territory that is in a single county is initiated by a petition presented to the district court for the county. The petition is subject to Subsection (c), but is not subject to the requirements of law or court rule for a petition initiating a civil suit.

(b) Creation of a new district by detachment of territory that is in more than one county is initiated by resolution of the board of trustees of each district from which territory is to be detached or by a petition presented to the commissioners court.

(c) A petition under this subchapter must:

(1) give the metes and bounds of the proposed new district;

(2) be signed by at least 20 ~~[10]~~ percent of the registered voters residing in each ~~[the proposed area to be detached from an]~~ existing district from which territory is to be detached; ~~[and]~~

(3) be addressed to:

1 (A) the district ~~[commissioners]~~ court for ~~[of]~~
2 the county in which the territory of the proposed district is
3 located; or ~~[7]~~

4 (B) if the territory is in more than one county,
5 to the commissioners court of each county in which the territory is
6 located.

7 SECTION 2. Sections 13.104(a) and (d), Education Code, are
8 amended to read as follows:

9 Sec. 13.104. ELECTION. (a) Not later than the 30th day
10 after the date a ~~[the commissioners]~~ court receives a petition
11 under this subchapter, the ~~[commissioners]~~ court shall hold a
12 hearing on the validity of the petition. If the ~~[commissioners]~~
13 court determines the petition is valid, each board of trustees
14 shall order an election to be held on the same date in each
15 district.

16 (d) The boards of trustees shall report the results of the
17 election to the appropriate court or ~~[commissioners]~~ courts, which
18 shall declare the results of the election. The new school district
19 is created only if the proposition receives:

20 (1) a majority of the votes in the territory to be
21 detached; and

22 (2) a majority of the votes in the remaining territory
23 in each district from which property is to be detached in the manner
24 prescribed by Section 13.003.

25 SECTION 3. Section 13.105, Education Code, is amended to
26 read as follows:

27 Sec. 13.105. CREATION OF DISTRICT. (a) If all the

1 requirements of this subchapter are met, the appropriate
2 ~~[commissioners]~~ court shall enter an order creating the new school
3 district. If the new district contains territory in two or more
4 counties, the order must be concurred in by the commissioners court
5 of each county concerned.

6 (b) At the time the order creating the district is made, the
7 district court or the commissioners court of the county in which the
8 largest portion of the district's territory is located, as
9 appropriate, shall appoint a board of seven trustees for the new
10 district to serve until the next regular election of trustees, when
11 a board of trustees shall be elected in compliance with Chapter 11.

12 (c) Title to school district real property in the territory
13 detached vests in the new district. The new district assumes and is
14 liable for any portion of outstanding indebtedness of the district
15 from which the territory was detached that is allocated to the new
16 district under Section 13.004, except that the district court shall
17 make the required allocations under that section for a district
18 created in a single county.

19 SECTION 4. This Act takes effect September 1, 2025.