

## **BILL ANALYSIS**

Senate Research Center

S.B. 622  
By: Harris  
Education  
3-13-97  
As Filed

### **DIGEST**

Currently, there is no state law that provides for the creation of a district contained within a municipality by detachment. While S.B. 1 recodified the Education Code in the 74th Legislative Session, no provision authorizing the creation of municipal school districts was passed. This bill provides for the creation of a school district by detachment within a municipality.

### **PURPOSE**

As proposed, S.B. 622 provides for the creation of a school district by detachment within a municipality.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 13C, Education Code, by adding Section 13.106, as follows:

Sec. 13.106. CREATION OF A DISTRICT CONTAINED WITHIN A MUNICIPALITY. Provides that Sections 13.101 through 13.105 do not apply to this section. Authorizes the creation of a new district by detachment to be initiated by a petition presented to the governing body of a home-rule municipality that meets certain requirements. Sets forth requirements a petition must meet. Requires the governing body to hold a hearing on the validity of the petition by a certain date. Requires the board of trustees of the school district to order an election, if the petition is valid. Requires a ballot to be printed to permit voting for or against the proposition, and sets forth the language of the ballot. Provides that an election on the detachment of a territory and creation of a new district has no effect unless 20 percent of the registered voters residing in the municipality vote in the election. Requires the board of trustees of the school district to report the results of the election to the governing body of the municipality, and provides that the new school district is created only if the proposition receives a majority vote. Requires the governing body of the municipality to enter an order creating the new school district and to appoint a board of seven trustees for the new district to serve until the next regular election for a board of trustees. Provides that a school district created under this section has all the rights and privileges of other independent school districts. Provides that a new district vests title to school district real property in the territory detached, and that the new district assumes any indebtedness of the district. Provides that a district created under this section shall not qualify for a small or mid-sized district adjustment.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.