

## CHAPTER 284

## H.B. No. 176

## AN ACT

relating to the authority of an independent school district to divest itself of authority over a junior college subject to its control and management.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 130.017, Education Code, is amended to read as follows:

Sec. 130.017. **PETITION AND ELECTION TO DIVEST SCHOOL BOARD OF AUTHORITY.** (a) On a petition signed by 10 percent of the qualified electors of the independent school district or city school district, the board of trustees *within 30 days* shall call an election [~~within 30 days~~] after the petition has been duly presented *on the proposition of* [~~for the purpose of determining~~] whether the school board of trustees shall be divested of its authority as governing board of such junior college district.

(b) *At the election called under Subsection (a) of this section, the board of trustees shall also include a separate proposition on whether the junior college district may levy ad valorem taxes* [~~If a majority of the votes cast in the election are in favor of divesting the board of trustees of the independent school district or city school district of its authority as the governing board of the junior college district, the board of trustees shall, within 30 days after the official canvass of the election, appoint for the junior college district a separate board of trustees of nine members to serve as the governing board of the junior college district.~~].

(c) *The board of trustees shall, within 30 days after the official canvass of the election, appoint for the junior college district a separate board of trustees as provided by this code to serve as the governing board of the junior college district if the majority of the votes in the election under this section are cast in favor of both propositions. If a majority of the votes in the election are cast against either proposition, the board may not divest its authority as the governing board of the junior college district unless both propositions are approved at a subsequent election. A subsequent election on the propositions may not be held before the first anniversary of the election date.*

(d) *The separate governing board of the junior college district may levy and collect taxes in accordance with Subchapter G of this chapter at the approved rate without an additional election.*

SECTION 2. Subchapter B, Chapter 130, Education Code, is amended by adding Section 130.019 to read as follows:

*Sec. 130.019. SEPARATE BOARD OF TRUSTEES; AD VALOREM TAXES. A board of trustees of an independent school district or city school district that has the*

*management, control, and operation of a junior college district may not divest itself of that management, control, and operation of the junior college district under Section 130.016 of this code or have the management, control, and operation of the junior college district divested under Section 130.017 of this code, unless the junior college district has the authority to levy ad valorem taxes for the maintenance of the junior college district or acquires that authority at an election held under Section 130.017.*

SECTION 3. (a) If a school board of trustees has ordered an election under Section 130.017, Education Code, but the election has not been held before the effective date of this Act, the order is void and the election may not be held. The board of trustees on the basis of the same petition may order an election that includes a proposition to approve the levy of a property tax by the junior college district.

(b) This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 20, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 176 on May 30, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 176 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 29, 1987, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 176 on June 1, 1987, by a viva-voce vote.

Approved June 11, 1987.

Effective Sept. 1, 1987.