

CHAPTER 77

S.B. No. 311

AN ACT

relating to judicial review of the determination of a school district's taxable value for public school finance purposes.

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

SECTION 1. Subsection (f), Section 11.86, Education Code, as amended, is amended to read as follows:

(f) A school district may appeal a determination of a protest by the board to a [the state] district court of Travis County by filing a petition with the court [~~within whose jurisdiction a majority of the area making up the school district is located~~]. An appeal must be filed within 30 days after the date the school district receives notification of a final decision on a protest. Review is conducted by the court sitting without a jury. The court shall remand the determination to the board if on the review the court discovers that substantial rights of the school district have been prejudiced, and that:

- (1) the board has acted arbitrarily and without regard to the facts; or
- (2) the finding of the board is not reasonably supported by substantial evidence introduced before the court.

SECTION 2. (a) This Act applies to a petition to appeal filed by a school district under Subsection (f), Section 11.86, Education Code, on or after the effective date of this Act.

(b) On or after the effective date of this Act, an appeal made under Subsection (f), Section 11.86, Education Code, before the effective date of this Act that is pending in a district court in a county other than Travis County may be transferred to a district court in Travis County on the motion of a party to the appeal.

(c) A petition to appeal filed by a school district under Subsection (f), Section 11.86, Education Code, on or after the effective date of this Act and before January 1, 1988, in a district court in a county other than Travis County is effective to perfect the appeal if the petition would have been properly filed under Subsection (f), Section 11.86, Education Code, as it existed immediately before the effective date of this Act. In that event, on the motion of a party to the appeal made on or before the 60th day after the petition is filed

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and after the effective date of this Act, the court shall transfer the appeal to a district court in Travis County.

SECTION 3. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 26, 1987, by the following vote: Yeas 30, Nays 0.

Passed the House on April 30, 1987, by the following vote: Yeas 125, Nays 7, one present not voting.

Approved May 12, 1987.

Effective May 12, 1987.