

BILL ANALYSIS

Senate Research Center
85R116 KJE-D

S.B. 646
By: Bettencourt
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 646 by Bettencourt removes the ability of the Harris County Department of Education (HCDE) to levy, assess, or collect annual ad valorem taxes for the maintenance of a public school.

Prior to the establishment of independent school districts, a majority of Texans were educated via "county schools." These schools were the typical one-room school houses and were overseen by a county school superintendent and county school board. As transportation improved and Texas became less rural, independent school districts were created and slowly the need for a county school board decreased. All Harris County students were moved to independent school districts by 1966, but Harris County Trustees (later changing its name to HCDE) did not disband as other boards did across Texas. HCDE and the Dallas County Schools are the only remaining county school districts remaining in Texas. Since 1978, the State of Texas stopped funding county school trustees. Fifty-six percent of HCDE is funded by fees for services and HCDE is allowed to collect a local property tax called an "equalization tax." Additionally, there is overlap of services provided between Region 4 Education Service Center (Region 4) and HCDE. Region 4 has a much larger span, providing service to 50 traditional school districts and 45 charter school districts in a seven county area. According to their website, "HCDE supports the educational needs of 25 school districts in Harris County."

As proposed, S.B. 646 amends current law relating to the elimination of the taxing authority of certain county boards of education and boards of county school trustees.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 11, Education Code, by adding Section 11.305, as follows:

Sec. 11.305. COUNTYWIDE EQUALIZATION TAX PROHIBITED IN COUNTIES WITH POPULATION OF 3.3 MILLION OR MORE. Prohibits the county board of education or board of county school trustees in a county with a population of 3.3 million or more, notwithstanding former Chapter 18, as that chapter existed on May 1, 1995, from levying, assessing, or collecting a countywide equalization tax.

SECTION 2. Amends Section 45.002, Education Code, as follows:

Sec. 45.002. MAINTENANCE TAXES. (a) Creates this subsection from existing text. Creates an exception under Subsection (b).

(b) Prohibits the county board of education or board of county school trustees in a county with a population of 3.3 million or from levying, assessing, or collecting annual ad valorem taxes for the maintenance of a public school.

SECTION 3. Provides that Section 11.305, Education Code, as added by this Act, and Section 45.002, Education Code, as amended by this Act, apply beginning with the 2017 tax year. Authorizes a county board of education or board of county school trustees, notwithstanding Section 11.305, Education Code, as added by this Act, or Section 45.002, Education Code, as amended by this Act, to collect annual ad valorem taxes levied or assessed for the 2016 or an earlier tax year.

SECTION 4. Effective date: upon passage or September 1, 2017.