

## **BILL ANALYSIS**

C.S.H.J.R. 142  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas Constitution governs a county's management and disposition of public school land held in trust for the county permanent school fund and the county available school fund. The commissioners court of a county which maintains such a trust is currently authorized to sell the land, establish an irrevocable trust for the proceeds of the sale, and invest the principal of a trust in any investment permitted for other county funds under the Public Funds Investment Act. The commissioners court is required to be the sole trustee, and as such the commissioners court is prohibited from delegating the authority to manage or invest money in the fund.

The commissioners court of Webb County is interested in developing land held in trust for the school districts within the county, but as the law currently stands the commissioners court could not recover development expenses even if the venture was successful.

C.S.H.J.R. 142 authorizes Webb County to recover expenses from a profitable venture involving land held in trust for a school district if the school district agrees to the arrangement.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.J.R. 142 proposes an amendment to the Texas Constitution to authorize Webb County to develop or sell the rights to natural resources or minerals in lands held in trust for a school district; to obtain reimbursement of the county's reasonable and necessary expenses incurred in connection with the disposition, by entering into an agreement with the school districts for which the lands are held in trust, from the proceeds of such development or sale; and to distribute the proceeds remaining after reimbursement to each school district for which the land is held in trust according to each school district's scholastic population.

C.S.H.J.R. 142 sets forth the required language of the ballot.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.J.R. 142 differs from the original by replacing a population bracket description of a county with the name of Webb County, and replacing other general references to a county with direct references to Webb County. The substitute differs from the original by clarifying the required language of the ballot.