

By: Guillen

H.J.R. No. 88

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the disposition of  
2 proceeds from the development or sale of the rights to natural  
3 resources or minerals in land held for the county permanent school  
4 fund.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 6, Article VII, Texas Constitution, is  
7 amended to read as follows:

8 Sec. 6. (a) All lands heretofore, or hereafter granted to  
9 the several counties of this State for educational purposes, are of  
10 right the property of said counties respectively, to which they  
11 were granted, and title thereto is vested in said counties, and no  
12 adverse possession or limitation shall ever be available against  
13 the title of any county. Each county may sell or dispose of its  
14 lands in whole or in part, in manner to be provided by the  
15 Commissioners Court of the county. Said lands, and, except as  
16 provided by Subsection (b) of this section, the proceeds thereof,  
17 when sold, shall be held by said counties alone as a trust for the  
18 benefit of public schools therein; said proceeds to be invested in  
19 bonds of the United States, the State of Texas, or counties in said  
20 State, or in such other securities, and under such restrictions as  
21 may be prescribed by law; and the counties shall be responsible for  
22 all investments; the interest thereon, and other revenue, except  
23 the principal shall be available fund.

24 (b) A county that borders the United Mexican States with a

1 population of more than 190,000 but less than 250,000 may:

2 (1) develop or sell the rights to natural resources or  
3 minerals in the land described by Subsection (a) of this section;  
4 and

5 (2) with agreement of the school district(s) for which  
6 the land is held in trust, obtain from the proceeds of a disposition  
7 under Subdivision (1) of this subsection reimbursement of the  
8 county's expenses incurred in connection with the disposition.

9 SECTION 2. This proposed constitutional amendment shall be  
10 submitted to the voters at an election to be held November 3, 2009.  
11 The ballot shall be printed to permit voting for or against the  
12 proposition: "The constitutional amendment to authorize a county  
13 to recover expenses from proceeds of the county permanent school  
14 fund incurred by the county in a transaction to develop or sell the  
15 rights to natural resources or minerals in county permanent school  
16 fund property."