

BILL ANALYSIS

Senate Research Center

H.J.R. 109
By: Orr et al. (Ogden)
Finance
5/13/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent legislation allows the General Land Office (GLO) to transfer money under its control in the permanent school fund directly to the available school fund. A subsequent attorney general's opinion, however, ruled that the provision allowing the transfer was likely unconstitutional. A separate issue, observers note, is that there are different terms used to describe the permanent school fund throughout the Texas Constitution. H.J.R. 109 seeks to amend the constitution to clarify references to the permanent school fund and to allow the GLO to distribute revenue derived from permanent school fund land or properties to the available school fund.

H.J.R. 109 proposes a constitutional amendment to clarify references to the permanent school fund and to allow the General Land Office or other entity to distribute revenue derived from permanent school fund land or other properties to the available school fund.

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 Section 49-b(h), Article III, Texas Constitution, to replace a reference to the Permanent Free Public School Fund with the Permanent School Fund.

SECTION 2. Amends Sections 2 and 4, Article VII, Texas Constitution, to replace references to the perpetual public school fund or the Public Free School Fund with the permanent school fund.

SECTION 3. Amends Section 5, Article VII, Texas Constitution, by adding Subsection (g), to authorize the General Land Office or an entity other than SBOE that has responsibility for the management of permanent school fund land or other properties to, in its sole discretion, notwithstanding any other provision of this constitution or of a statute, distribute to the available school fund each year any or all revenue derived during that year from the land or properties.

SECTION 4. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 8, 2011. Sets forth the required language of the ballot.