

By: White

H.J.R. No. 46

A JOINT RESOLUTION

1 proposing a constitutional amendment releasing a school district  
2 from the obligation to comply with an unfunded state educational  
3 mandate.

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

5 SECTION 1. Article VII, Texas Constitution, is amended by  
6 adding Section 3-c to read as follows:

7 Sec. 3-c. (a) In this section, "state educational mandate"  
8 means a statutory provision the implementation of which requires an  
9 expenditure by a school district that would not have been required  
10 in the absence of the statutory provision or a rule adopted under  
11 that provision.

12 (b) A school district is exempt from a state educational  
13 mandate for which the legislature has not appropriated money  
14 estimated to be sufficient to meet the expenditure required by the  
15 mandate at the time the mandate is effective unless the legislature  
16 has determined that the mandate fulfills an important state  
17 interest and:

18 (1) the mandate passed by a two-thirds vote in each  
19 house of the legislature;

20 (2) the expenditure is required to comply with a law  
21 that applies to all persons similarly situated, including entities  
22 other than a school district; or

23 (3) the mandate is necessary either to comply with  
24 federal law or to meet eligibility standards for a federal

1 entitlement, and the federal law specifically contemplates action  
2 by a district for compliance or eligibility.

3 SECTION 2. This proposed constitutional amendment shall be  
4 submitted to the voters at an election to be held November 8, 2011.  
5 The ballot shall be printed to provide for voting for or against the  
6 proposition: "The constitutional amendment releasing a school  
7 district from the obligation to comply with an unfunded state  
8 educational mandate."