

By: Williams

S.J.R. No. 46

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to county delegation
2 of authority regarding the disposition of county school lands and
3 proceeds of a county permanent school fund.

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

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

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

22 (b) Notwithstanding the limitations provided by Subsection
23 (a) of this section, each county may:

24 (1) delegate to the boards of trustees of the school

1 districts for which the lands are held in trust by the county under
2 this section the county's authority under Subsection (a) of this
3 section to:

4 (A) sell, lease, or otherwise dispose of the
5 lands held in trust; or

6 (B) develop or sell the rights to natural
7 resources or minerals in the lands held in trust;

8 (2) enter into an agreement with the boards of
9 trustees of the school districts for which the lands are held in
10 trust by the county under this section to jointly develop or sell
11 the rights to natural resources or minerals in the lands held in
12 trust and share with those school districts:

13 (A) the expenses incurred in connection with a
14 disposition under this subdivision; and

15 (B) the revenue generated in connection with a
16 disposition under this subdivision; and

17 (3) delegate the county's authority to invest and
18 manage all or part of the proceeds of the county permanent school
19 fund to:

20 (A) the boards of trustees of the school
21 districts for which the lands are held in trust by the county under
22 this section; or

23 (B) a financial institution selected in the
24 manner determined by the Commissioners Court of the county.

25 (c) The proceeds from a disposition of land authorized under
26 Subsection (b) of this section shall be held by the county as a
27 trust for the benefit of the school districts as provided by

1 Subsection (a) of this section, except as permitted by Subsection
2 (b)(2) or (3) of this section.

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 permit voting for or against the
6 proposition: "The constitutional amendment to authorize the
7 delegation of authority regarding the disposition of county school
8 lands from a county to the school districts for which the lands are
9 held in trust and the delegation of authority to manage and invest
10 proceeds of a county permanent school fund from a county to the
11 school districts for which the lands are held in trust or a
12 financial institution selected by the county."