

By: Lavender

H.B. No. 1053

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a prohibition against use by certain school districts  
3 of state Foundation School Program money and local ad valorem tax  
4 revenue to fund certain lawsuits against the state.

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

6 SECTION 1. Subchapter A, Chapter 42, Education Code, is  
7 amended by adding Section 42.010 to read as follows:

8 Sec. 42.010. PROHIBITION AGAINST USE OF FUNDING TO SUE  
9 STATE. (a) A school district that receives state funding under the  
10 Foundation School Program may not use that funding or local ad  
11 valorem tax revenue to pay the costs of the district's  
12 participation in a lawsuit against the state alleging that the  
13 state is in violation of the state's obligations under Section 1,  
14 Article VII, Texas Constitution.

15 (b) The commissioner may require a school district  
16 participating in a lawsuit described by Subsection (a) to provide  
17 the commissioner with documentation considered sufficient by the  
18 commissioner to establish that the district is not in violation of  
19 Subsection (a).

20 (c) Notwithstanding any other provision of this title, the  
21 commissioner may withhold state funding to which a district is  
22 otherwise entitled under this chapter or Chapter 46 if the  
23 commissioner determines that the district is in violation of  
24 Subsection (a). Subject to the General Appropriations Act, the

1 commissioner may use funding withheld under this subsection to pay  
2 costs incurred by the agency as a result of the lawsuit described by  
3 Subsection (a) in which the district is participating.

4         SECTION 2. Section 42.010, Education Code, as added by this  
5 Act, applies only to state funding provided to a school district  
6 under the Foundation School Program or local ad valorem tax revenue  
7 collected by a school district on or after the effective date of  
8 this Act.

9         SECTION 3. This Act takes effect September 1, 2013.