

By: Geren

H.J.R. No. 76

A JOINT RESOLUTION

1 proposing a constitutional amendment requiring the state to pay at  
2 least 50 percent of the cost of maintaining and operating the public  
3 school system and prohibiting the comptroller from certifying  
4 legislation containing an appropriation for public education  
5 unless the requirement is met.

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

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

9 Sec. 1. A general diffusion of knowledge being essential to  
10 the preservation of the liberties and rights of the people, it shall  
11 be the duty of the Legislature of the State to establish and make  
12 suitable provision for the support and maintenance of an efficient  
13 system of public free schools by providing State funding in an  
14 amount that constitutes, as determined by the Legislature, at least  
15 50 percent of the cost of maintaining and operating that system. In  
16 calculating the amount of State funding required under this  
17 section, the Legislature may not consider money that is  
18 attributable to an ad valorem tax imposed by a school district on  
19 property located in the school district, including any revenue the  
20 school district is required to transfer to the State to reduce the  
21 school district's local revenue level in excess of entitlement.

22 SECTION 2. Section 49a, Article III, Texas Constitution, is  
23 amended by amending Subsection (b) and adding Subsection (c) to  
24 read as follows:

1 (b) Except in the case of emergency and imperative public  
2 necessity and with a four-fifths vote of the total membership of  
3 each House, no appropriation in excess of the cash and anticipated  
4 revenue of the funds from which such appropriation is to be made  
5 shall be valid. No bill containing an appropriation shall be  
6 considered as passed or be sent to the Governor for consideration  
7 until and unless:

8 (1) the Comptroller of Public Accounts endorses the  
9 Comptroller's [~~his~~] certificate thereon showing that the amount  
10 appropriated is within the amount estimated to be available in the  
11 affected funds; and

12 (2) if the bill makes an appropriation for the general  
13 maintenance and operation of the system of public free schools, the  
14 Comptroller additionally certifies that the appropriation,  
15 together with all other appropriations made for the general  
16 maintenance and operation of that system for the same period,  
17 complies with the requirement of Section 1, Article VII, of this  
18 constitution.

19 (c) When the Comptroller finds an appropriation bill  
20 exceeds the estimated revenue or, if applicable, fails to comply  
21 with Section 1, Article VII, of this constitution, the Comptroller  
22 [~~he~~] shall endorse such finding thereon and return to the House in  
23 which same originated. Such information shall be immediately made  
24 known to both the House of Representatives and the Senate and the  
25 necessary steps shall be taken to, as applicable:

26 (1) bring such appropriation to within the revenue,  
27 either by providing additional revenue or reducing the

1 appropriation; or

2 (2) comply with Section 1, Article VII, of this  
3 constitution.

4 SECTION 3. This proposed constitutional amendment shall be  
5 submitted to the voters at an election to be held November 7, 2023.  
6 The ballot shall be printed to permit voting for or against the  
7 proposition: "The constitutional amendment requiring the state to  
8 pay at least 50 percent of the cost of maintaining and operating the  
9 public school system and prohibiting the comptroller from  
10 certifying legislation containing an appropriation for public  
11 education unless the requirement is met."