

By: Griggs

H.J.R. No. 5

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the state's duty  
2 to fund the public school system.

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

4 SECTION 1. Article VII, Texas Constitution, is amended by  
5 adding Section 1A to read as follows:

6 Sec. 1A. (a) In meeting its duty under Section 1 of this  
7 article to make suitable provision for the support and maintenance  
8 of an efficient system of public free schools, the Legislature  
9 shall provide state funding in an amount that constitutes at least  
10 50 percent of the cost of maintaining and operating the system of  
11 public free schools.

12 (b) If adequate sources of revenue are not otherwise  
13 available to the state for purposes of Subsection (a) of this  
14 section, all money coming into the treasury in a fiscal year in  
15 excess of the amount of money in the treasury during the preceding  
16 fiscal year, as determined by the comptroller of public accounts,  
17 is dedicated to be used for the support and maintenance of the  
18 public free schools. Any portion of the amount dedicated by this  
19 subsection that is not required for the support and maintenance of  
20 the public free schools may be used for any other state purpose. In  
21 computing the amount of money in the treasury for purposes of this  
22 subsection, money otherwise dedicated by this constitution is not  
23 included.

24 (c) Subsection (a) of this section applies beginning with

1 the 2005-2006 school year. Subsection (b) of this section applies  
2 beginning with the fiscal year that begins September 1, 2005. This  
3 subsection expires September 1, 2006.

4 SECTION 2. Section 3, Article VII, Texas Constitution, is  
5 amended by amending Subsection (e) and adding Subsection (f) to  
6 read as follows:

7 (e) The Legislature shall be authorized to pass laws for the  
8 assessment and collection of taxes in all school districts and for  
9 the management and control of the public school or schools of such  
10 districts, whether such districts are composed of territory wholly  
11 within a county or in parts of two or more counties.  
12 Notwithstanding Section 1-e, Article VIII, of this constitution,  
13 the Legislature may require school districts to impose, without  
14 voter approval, an ad valorem tax at a rate specified by the  
15 Legislature for the benefit of the public free schools and to remit  
16 a portion of that tax to the comptroller of public accounts for  
17 providing state funding as required by Section 1A(a) of this  
18 article. The [~~and the~~] Legislature may also authorize an  
19 additional ad valorem tax to be levied and collected within all  
20 school districts for the further maintenance of public free  
21 schools, and for the erection and equipment of school buildings  
22 therein; provided that a majority of the qualified voters of the  
23 district voting at an election [~~to be~~] held for that purpose[~~;~~  
24 ~~shall~~] approve the additional tax.

25 (f) If the Legislature by general law enacted after January  
26 1, 2004, dedicates state tax revenue to the foundation school fund,  
27 the Legislature may not, during that legislative session or any

1 subsequent legislative session, remove, repeal, or decrease that  
2 dedication. An Act removing, repealing, or decreasing a dedication  
3 that is enacted by the Legislature during the legislative session  
4 in which the dedication is made, regardless of date of relative  
5 enactment, or such an Act enacted during a subsequent legislative  
6 session, has no effect.

7 SECTION 3. Article VIII, Texas Constitution, is amended by  
8 adding Section 25 to read as follows:

9 Sec. 25. (a) The Legislature by general law may authorize  
10 an individual to choose to pay a tax on the individual's taxable  
11 income and to receive a refund of the state sales and use taxes the  
12 individual is imputed to have paid during the tax year.

13 (b) The net revenue from the tax authorized under this  
14 section shall be deposited to the credit of the foundation school  
15 fund.

16 (c) Section 24 of this article does not apply to a tax  
17 authorized under this section.

18 SECTION 4. This proposed constitutional amendment shall be  
19 submitted to the voters at an election to be held \_\_\_\_\_.  
20 The ballot shall be printed to permit voting for or against the  
21 proposition: "The constitutional amendment requiring the state to  
22 pay at least 50 percent of the cost of the public school system and  
23 providing for sources of revenue for that purpose."