

By: Griggs

H.J.R. No. 87

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

23 (c) Subsection (a) of this section applies beginning with  
24 the 2004-2005 school year. Subsection (b) of this section applies

1 beginning with the fiscal year that begins September 1, 2004. This  
2 subsection expires September 1, 2005.

3 SECTION 2. Section 3(e), Article VII, Texas Constitution,  
4 is amended to read as follows:

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

23 SECTION 3. This proposed constitutional amendment shall be  
24 submitted to the voters at an election to be held November 4, 2003.  
25 The ballot shall be printed to permit voting for or against the  
26 proposition: "The constitutional amendment requiring the state to  
27 pay at least 50 percent of the cost of the public school system and

1 providing for sources of revenue for that purpose."