

By: Elkins

H.J.R. No. 104

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the support and
2 maintenance and an efficient system of public schools.

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

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

6 Sec. 1. A general diffusion of knowledge being essential to
7 the preservation of the liberties and rights of the people, it shall
8 be the duty of the Legislature of the State to establish and make
9 suitable provision for the support and maintenance of an efficient
10 system of public free schools so that every school district will
11 have substantially equal access to similar revenues per student at
12 similar levels of tax effort. A statute enacted by the Legislature
13 to provide for an efficient system or to provide for its support and
14 maintenance is presumed to meet the requirements of this
15 constitution if the statute rationally furthers a legitimate State
16 purpose or interest such as efficiency or local control.

17 SECTION 2. Section 3, Article VII, Texas Constitution, is
18 amended by amending Subsections (c) and (e) and adding Subsection
19 (f) to read as follows:

20 (c) The Legislature may make appropriations [~~Should the~~
21 ~~taxation herein named be insufficient the deficit may be met by~~
22 ~~appropriation~~] from the general funds of the State for the support
23 of the public free schools, and a statute enacted by the Legislature
24 setting the amount of those appropriations or the method by which

1 they are distributed is presumed to meet the requirements of this
2 constitution if the statute rationally furthers a legitimate State
3 purpose or interest such as efficiency or local control.

4 (e) The Legislature shall be authorized to pass laws [~~for~~
5 ~~the assessment and collection of taxes in all school districts and~~
6 for the management and control of the public school or schools of
7 such districts, whether such districts are composed of territory
8 wholly within a county or in parts of two or more counties. The [~~7~~
9 ~~and the~~] Legislature by general law may authorize each school
10 district to impose an [~~additional~~] ad valorem local tax [~~to be~~
11 ~~levied and collected within all school districts~~] for the further
12 maintenance of public free schools, and for the erection and
13 equipment of school buildings therein; provided that a majority of
14 the qualified voters of the district voting at an election to be
15 held for that purpose, shall approve the tax.

16 (f) A law authorized by this section providing for the
17 imposition of local taxes by school districts is presumed to meet
18 the requirements of this constitution if there is any evidence that
19 the law rationally furthers a legitimate State purpose or interest.

20 SECTION 3. (a) This proposed constitutional amendment
21 shall be submitted to the voters at an election to be held November
22 8, 2011.

23 (b) This proposed constitutional amendment shall be printed
24 on the ballot as one proposition and in a manner to permit voting
25 for or against the proposition: "The constitutional amendment:

26 (1) providing for equal educational opportunity;

27 (2) providing for local control by all school

1 districts of local taxes levied for the support of public schools;
2 (3) providing for legislative control of the methods
3 by which state funds are distributed to school districts; and
4 (4) restricting the power of the courts to overturn a
5 legislative decision regarding the system of or support for public
6 education."