

By: Martinez Fischer

H.R. No. 408

R E S O L U T I O N

1 WHEREAS, A Travis County District Judge found that the Texas
2 public school finance system violates the "efficiency" provisions
3 of Article VII, § 1, Texas Constitution, because it fails to provide
4 substantially equal access to revenues necessary to provide a
5 general diffusion of knowledge; and

6 WHEREAS, The Legislature finds that there is an urgent need
7 to provide critical budgetary relief to our public school finance
8 system to ensure that the young men and women of Texas entering
9 college are adequately prepared academically for first year college
10 courses; and

11 WHEREAS, The 2011 revenue estimate was inaccurate and, as a
12 direct result, public schools received an unjustified \$5.4 billion
13 dollar budget cut and there is nearly \$8.8 billion unspent from last
14 biennium, some of which could be used to help our Texas schools; and

15 WHEREAS, The Legislature has an affirmative and independent
16 constitutional duty to "make suitable provision for the support and
17 maintenance of an efficient system of public free schools"; and

18 WHEREAS, This duty exists regardless of any declarations of
19 emergency by other branches of government, and legislation to
20 fulfill this duty may be passed by the Legislature at any time,
21 regardless of pending administrative or judicial actions, just as
22 with other important legislative initiatives including H.B. 8
23 ("Jessica's Law"), 80th Regular Session, or S.B. 175 ("The Top Ten
24 Percent Plan"), 81st Regular Session; and

1 WHEREAS, Section 5(c), Article III, Texas Constitution,
2 states that either house may determine its order of business by an
3 affirmative vote of four-fifths of its membership despite
4 constitutional restrictions set forth in Section 5(b), Article III,
5 Texas Constitution; therefore, be it

6 RESOLVED, by the House of Representatives of the 83rd Texas
7 Legislature, by an affirmative vote of four-fifths of its
8 membership, That the order of its business for the regular session
9 is hereby determined to be that which is set forth in Section 5(b),
10 Article III, Texas Constitution, except that during the first 60
11 days of the regular session the House may consider a bill relating
12 to public school finance in order to remedy identified
13 constitutional infirmities.