

By: Howard

H.J.R. No. 97

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 unless the requirement is
5 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.

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

19 (b) Except in the case of emergency and imperative public
20 necessity and with a four-fifths vote of the total membership of
21 each House, no appropriation in excess of the cash and anticipated
22 revenue of the funds from which such appropriation is to be made
23 shall be valid. No bill containing an appropriation shall be
24 considered as passed or be sent to the Governor for consideration

1 until and unless:

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

6 (2) if the bill makes an appropriation for the general
7 maintenance and operation of the system of public free schools, the
8 Comptroller additionally certifies that the appropriation,
9 together with all other appropriations made for the general
10 maintenance and operation of that system for the same period,
11 complies with the requirement of Section 1, Article VII, of this
12 constitution.

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

20 (1) bring such appropriation to within the revenue,
21 either by providing additional revenue or reducing the
22 appropriation; or

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

25 SECTION 3. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held November 3, 2015.
27 The ballot shall be printed to permit voting for or against the

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