86R1580 MEW-D

By:  Johnson, Rodríguez S.J.R. No. 40

A JOINT RESOLUTION

proposing a constitutional amendment requiring the state to pay at least 50 percent of the cost of maintaining and operating the public school system and prohibiting the comptroller from certifying legislation containing an appropriation for public education unless the requirement is met.

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

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

Sec. 1.  A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools by providing State funding in an amount that constitutes, as determined by the Legislature, at least 50 percent of the cost of maintaining and operating that system. In calculating the amount of State funding required under this section, the Legislature may not consider money that is attributable to an ad valorem tax imposed by a school district on property located in the school district, including any revenue the school district is required to transfer to the State to reduce the school district's wealth per student to the equalized wealth level.

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

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

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

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

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

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

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

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment requiring the state to pay at least 50 percent of the cost of maintaining and operating the public school system and prohibiting the comptroller from certifying legislation containing an appropriation for public education unless the requirement is met."