

By: Craddick

H.J.R. No. 119

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 to read as follows:

19 Sec. 3. (a) One-fourth of the revenue derived from the
20 State occupation taxes [~~and poll tax of one dollar on every~~
21 ~~inhabitant of the State, between the ages of twenty-one and sixty~~
22 ~~years,~~] shall be set apart annually for the benefit of the public
23 free schools; [~~and in addition thereto, there shall be levied and~~
24 ~~collected an annual ad valorem State tax of such an amount not to~~

1 ~~exceed thirty-five cents on the one hundred (\$100.00) dollars~~
2 ~~valuation, as with the available school fund arising from all other~~
3 ~~sources, will be sufficient to maintain and support the public~~
4 ~~schools of this State for a period of not less than six months in~~
5 ~~each year,]~~ and it shall be the duty of the State Board of Education
6 to set aside a sufficient amount [~~out~~] of revenue [~~the said tax~~] to
7 provide free text books for the use of children attending the public
8 free schools of this State. The Legislature may make
9 appropriations [~~; provided, however, that should the limit of~~
10 ~~taxation herein named be insufficient the deficit may be met by~~
11 ~~appropriation~~] from the general funds of the State for the support
12 of the public free schools, and a statute enacted by the Legislature
13 setting the amount of those appropriations or the method by which
14 they are distributed 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 (b) The [~~and the~~] Legislature may also provide for the
18 formation of school districts [~~district~~] by general laws; and all
19 such school districts may embrace parts of two or more counties, and
20 the Legislature shall be authorized to pass laws [~~for the~~
21 ~~assessment and collection of taxes in all said districts and~~] for
22 the management and control of the public school or schools of such
23 districts, whether such districts are composed of territory wholly
24 within a county or in parts of two or more counties. The [~~, and the~~]
25 Legislature by general law may authorize each school district to
26 impose an [~~additional~~] ad valorem local tax [~~to be levied and~~
27 ~~collected within all school districts heretofore formed or~~

1 ~~hereafter formed,~~] for the further maintenance of public free
2 schools, and for the erection and equipment of school buildings
3 therein; provided that a majority of the qualified property
4 taxpaying voters of the district voting at an election to be held
5 for that purpose, shall vote such tax not to exceed in any one year
6 one (\$1.00) dollar on the one hundred dollars valuation of the
7 property subject to taxation in such district, but the limitation
8 upon the amount of school district tax herein authorized shall not
9 apply to incorporated cities or towns constituting separate and
10 independent school districts, nor to independent or common school
11 districts created by general or special law.

12 (c) A law authorized by this section providing for the
13 imposition of local taxes by school districts is presumed to meet
14 the requirements of this constitution if there is any evidence that
15 the law rationally furthers a legitimate State purpose or interest.

16 SECTION 3. (a) The constitutional amendment proposed by
17 this resolution shall be submitted to the voters at an election to
18 be held November 5, 2019.

19 (b) The constitutional amendment proposed by this
20 resolution shall be printed on the ballot as one proposition and in
21 a manner to provide for voting for or against the proposition: "The
22 constitutional amendment:

23 (1) providing for equal educational opportunity;

24 (2) providing for local control by all school
25 districts of local taxes levied for the support of public schools;

26 (3) providing for legislative control of the methods
27 by which state funds are distributed to school districts and by

1 which school districts are formed; and

2 (4) restricting the power of the courts to overturn a
3 legislative decision regarding the system of or support for public
4 education by adopting federal constitutional law that also
5 preserves equal access to the courts."