By:  Paxton S.J.R. No. 15

SENATE JOINT RESOLUTION

proposing a constitutional amendment providing for the appropriation of certain surplus state revenue for the purpose of reducing school district maintenance and operations ad valorem taxes.

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

SECTION 1.  Article VIII, Texas Constitution, is amended by adding Section 7-e to read as follows:

Sec. 7-e.  (a) Subject to Subsection (c) of this section, the comptroller of public accounts shall:

(1)  allocate for deposit to the credit of a tax reduction and excellence in education fund state tax revenue that is not constitutionally or statutorily dedicated in an amount equal to 90 percent of the amount by which the amount of state tax revenue that is not constitutionally or statutorily dedicated received in a state fiscal biennium exceeds 104 percent of the amount of state tax revenue that is not constitutionally or statutorily dedicated that was received during the preceding state fiscal biennium; and

(2)  periodically deposit to the credit of the tax reduction and excellence in education fund the revenue allocated under Subdivision (1) of this subsection, with the final deposit for that biennium to be made not later than the 90th day of the following state fiscal biennium.

(b)  Subject to Subsections (c) and (g) of this section, for each state fiscal biennium, the amount deposited to the credit of a tax reduction and excellence in education fund under Subsection (a) of this section for the preceding state fiscal biennium is automatically appropriated to the Texas Education Agency, or its successor in function, for the purpose of reducing as provided by general law the rate of school district maintenance and operations ad valorem taxes authorized under Section 3(e), Article VII, of this constitution.

(c)  Subject to Subsection (d) of this section, the legislature by adoption of a resolution approved by a record vote of two-thirds of the members of each house of the legislature may direct the comptroller of public accounts to:

(1)  reduce the amount of money deposited to the credit of a tax reduction and excellence in education fund under Subsection (a) of this section; or

(2)  reduce the amount of money appropriated to the Texas Education Agency, or its successor in function, under Subsection (b) of this section and transfer the amount by which the appropriation was reduced from the tax reduction and excellence in education fund in which the money was deposited under Subsection (a) of this section to the general revenue fund.

(d)  The comptroller of public accounts may be directed to make a reduction under Subsection (c) of this section only:

(1)  in the state fiscal biennium in which the resolution is adopted, or in the following state fiscal biennium; and

(2)  by an amount that does not result in a reduction of more than 50 percent of the amount that would otherwise be appropriated to the Texas Education Agency, or its successor in function, in the affected state fiscal biennium under Subsection (b) of this section.

(e)  Money deposited to the credit of a tax reduction and excellence in education fund under Subsection (a) of this section may not be considered unencumbered general revenue for purposes of Section 49-g(b), Article III, of this constitution.

(f)  Money appropriated to the Texas Education Agency, or its successor in function, under Subsection (b) of this section may not be considered available for certification by the comptroller of public accounts under Section 49a(b), Article III, of this constitution.

SECTION 2.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 87th Legislature, 2nd Called Session, 2021, providing for the appropriation of certain surplus state revenue for the purpose of reducing school district maintenance and operations ad valorem taxes.

(b)  Section 7-e, Article VIII, of this constitution takes effect beginning with the state fiscal biennium beginning September 1, 2022.

(c)  This temporary provision expires September 1, 2023.

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held May 7, 2022. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment providing for the appropriation of certain surplus state revenue for the purpose of reducing school district maintenance and operations ad valorem taxes."