

By: King of Hemphill, Bell of Kaufman,
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H.J.R. No. 1

A JOINT RESOLUTION

1 proposing a constitutional amendment creating the state school
2 safety fund to provide ongoing financial support for projects that
3 ensure the safety of public schools in this state and providing for
4 the transfer of certain general revenues to that fund, the economic
5 stabilization fund, and the state highway fund.

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

7 SECTION 1. Section 49-g, Article III, Texas Constitution,
8 is amended by amending Subsections (c), (c-1), and (c-2) and adding
9 Subsections (c-3) and (c-4) to read as follows:

10 (c) Not later than the 90th day of each fiscal year, the
11 comptroller of public accounts shall transfer from the general
12 revenue fund to the economic stabilization fund, the state school
13 safety fund, and the state highway fund the sum of the amounts
14 described by Subsections (d) and (e) of this section, to be
15 allocated as provided by Subsections (c-1) and (c-2) of this
16 section. However, if necessary and notwithstanding the allocations
17 prescribed by Subsections (c-1) and (c-2) of this section, the
18 comptroller shall reduce proportionately the amounts described by
19 Subsections (d) and (e) of this section to be transferred and
20 allocated to the economic stabilization fund to prevent the amount
21 in that fund from exceeding the limit in effect for that biennium
22 under Subsection (g) of this section. Revenue transferred to the
23 state highway fund under this subsection may be used only for
24 constructing, maintaining, and acquiring rights-of-way for public

1 roadways other than toll roads.

2 (c-1) Of the sum of the amounts described by Subsections (d)
3 and (e) of this section and required to be transferred from the
4 general revenue fund under Subsection (c) of this section, the
5 comptroller shall, except as provided by Subsection (c-2) of this
6 section, allocate:

7 (1) one-half to the state highway [economic
8 stabilization] fund;

9 (2) to the state school safety fund the lesser of:

10 (A) \$1.1 billion; or

11 (B) one-half of the sum of those amounts; and

12 (3) the remainder to the economic stabilization [state
13 highway] fund[, ~~except as provided by Subsection (c-2) of this~~
14 section].

15 (c-2) The legislature by general law shall provide for a
16 procedure by which the allocation of the sum of the amounts
17 described by Subsections (d) and (e) of this section may be adjusted
18 to provide for a transfer to the economic stabilization fund of an
19 amount greater than the allocation provided for under Subsection
20 (c-1) of this section with the remainder of that sum, if any,
21 allocated for transfer to the state school safety fund and the state
22 highway fund in amounts provided by general law. The allocation
23 made as provided by that general law is binding on the comptroller
24 for the purposes of the transfers required by Subsection (c) of this
25 section.

26 (c-3) Notwithstanding Subsection (c-1) of this section, for
27 the state fiscal year beginning September 1, 2024, the comptroller

1 of public accounts shall reduce the amount allocated for transfer
2 to the economic stabilization fund and increase the amount
3 allocated for transfer to the state school safety fund under
4 Subsection (c-1) of this section for that state fiscal year by the
5 lesser of:

6 (1) \$1.1 billion; or

7 (2) the amount allocated for transfer to the economic
8 stabilization fund under Subsection (c-1) of this section for that
9 state fiscal year.

10 (c-4) Subsection (c-3) of this section and this subsection
11 expire September 1, 2026.

12 SECTION 2. Article VII, Texas Constitution, is amended by
13 adding Section 7 to read as follows:

14 Sec. 7. (a) The state school safety fund is created as a
15 special fund in the state treasury outside the general revenue
16 fund. Money in the state school safety fund shall be administered,
17 without further appropriation, by the commissioner of education, or
18 the successor public officer of this state with authority over
19 primary and secondary education. In accordance with general law,
20 the state school safety fund may be used only to provide ongoing
21 financial support for projects that ensure the safety of public
22 schools in this state as provided by legislation. Separate
23 accounts may be established in the state school safety fund as
24 necessary or convenient to administer the fund or the supported
25 projects.

26 (b) The legislature by general law may authorize the use of
27 money from the state school safety fund only by an independent

1 school district or open-enrollment charter school for projects
2 described under Subsection (a) of this section.

3 (c) The state school safety fund consists of:

4 (1) money appropriated to the fund;

5 (2) money transferred or deposited to the credit of
6 the fund under this constitution or by general law;

7 (3) revenue from any source, including the proceeds of
8 a fee or tax imposed under general law, that the legislature by
9 statute dedicates for deposit to the credit of the fund; and

10 (4) investment earnings and interest earned on amounts
11 credited to the fund.

12 (d) Not later than the 90th day of each state fiscal year,
13 the commissioner of education, or the successor public officer of
14 this state with authority over primary and secondary education,
15 shall:

16 (1) determine the amount of any unencumbered
17 appropriations for the support and maintenance of public schools
18 for the preceding state fiscal year;

19 (2) report the determination made under Subdivision
20 (1) of this subsection to the comptroller of public accounts; and

21 (3) after making the report required under Subdivision
22 (2) of this subsection, transfer the unencumbered appropriations
23 identified under Subdivision (1) of this subsection to the state
24 school safety fund.

25 (e) The legislature by general law shall provide for the
26 manner in which money in the state school safety fund may be used,
27 subject to the limitations provided by this section. The

1 legislature by general law may provide for costs of investment and
2 administration of the state school safety fund to be paid from the
3 fund.

4 (f) For the purposes of Section 22, Article VIII, of this
5 constitution, an appropriation of money from the economic
6 stabilization fund for the purpose of depositing that money to the
7 credit of the state school safety fund is considered to be an
8 appropriation of state tax revenues dedicated by this constitution.

9 (g) This section is intended to establish a basic framework
10 of the state school safety fund, and the legislature by general law
11 may provide for the implementation and effectuate the design and
12 objects of this section and may delegate duties, responsibilities,
13 functions, and authority granted under this section to another
14 entity for those purposes.

15 SECTION 3. The following temporary provision is added to
16 the Texas Constitution:

17 TEMPORARY PROVISION. (a) This temporary provision applies
18 to the constitutional amendment proposed by the 88th Legislature,
19 4th Called Session, 2023, creating the state school safety fund to
20 provide ongoing financial support for projects that ensure the
21 safety of public schools in this state and providing for the
22 transfer of certain general revenues to that fund, the economic
23 stabilization fund, and the state highway fund.

24 (b) Section 49-g, Article III, of this constitution, as
25 amended by the amendment, takes effect September 1, 2024.

26 (c) This temporary provision expires September 1, 2025.

27 SECTION 4. This proposed constitutional amendment shall be

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1 submitted to the voters at an election to be held May 4, 2024. The
2 ballot shall be printed to permit voting for or against the
3 proposition: "The constitutional amendment creating the state
4 school safety fund to provide ongoing financial support for
5 projects that ensure the safety of public schools in this state and
6 providing for the transfer of certain general revenues to that
7 fund, the economic stabilization fund, and the state highway fund."