88S40011 KJE-F

By:  King of Hemphill H.J.R. No. 1

A JOINT RESOLUTION

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

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

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

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

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

(1)  [~~one-half~~] to the economic stabilization fund the difference, if the difference is greater than zero, between one-half of the sum of those amounts and $1.1 billion;

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

(A)  $1.1 billion; or

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

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

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

(c-3)  Notwithstanding Subsection (c-1) of this section, for the state fiscal year beginning September 1, 2024, the comptroller of public accounts shall reduce the amount allocated for transfer to the economic stabilization fund and increase the amount allocated for transfer to the state school safety fund under Subsection (c-1) of this section for that state fiscal year by the lesser of:

(1)  $1.1 billion; or

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

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

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

Sec. 7.  (a) The state school safety fund is created as a special fund in the state treasury outside the general revenue fund. Money in the state school safety fund shall be administered, without further appropriation, by the comptroller of public accounts. In accordance with general law, the state school safety fund may be used only to provide ongoing financial support for projects that ensure the safety of public schools in this state as provided by legislation. Separate accounts may be established in the state school safety fund as necessary or convenient to administer the fund or the supported projects.

(b)  The legislature by general law may authorize the use of money from the state school safety fund only by an independent school district or open-enrollment charter school for projects described under Subsection (a) of this section.

(c)  The state school safety fund consists of:

(1)  money appropriated to the fund;

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

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

(4)  investment earnings and interest earned on amounts credited to the fund;

(5)  money appropriated by the legislature for the purposes of funding public schools that is determined by the commissioner of education to exceed the amount required for the support and maintenance of public schools, including amounts to which the public schools of this state are entitled under general law; and

(6)  money transferred to the fund from another fund or account to which money from the fund was transferred, as authorized by general law.

(d)  The legislature by general law shall provide for the manner in which money in the state school safety fund may be used, subject to the limitations provided by this section. The legislature by general law may provide for costs of investment and administration of the state school safety fund to be paid from the fund.

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

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

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

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

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

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

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