

RESOLUTION ANALYSIS

C.S.H.J.R. 170
By: King, Ken
Youth Health & Safety, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In recent years, schools across Texas have seen an increase in safety and security concerns. These concerns have led public school districts and open-enrollment charter schools to seek ways to better secure their campuses and facilities and to help prevent future tragedies. C.S.H.J.R. 170 seeks to address concerns regarding a lack of funding for school security by creating the state school safety fund as a special fund in the state treasury to provide financial support for projects that enhance the safety of public schools in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.J.R. 170 proposes an amendment to the Texas Constitution to establish the state school safety fund as a special fund in the state treasury outside the general revenue fund and requires money in the fund to be administered, without further appropriation, by the Texas Permanent School Fund Corporation. The resolution restricts the use of the state school safety fund to supporting projects to enhance the safety of public schools in Texas, including projects to ensure public schools meet school safety standards established by the Texas Education Agency (TEA), in accordance with general law, and authorizes separate accounts to be established in the fund as necessary or convenient to administer the fund or the supported projects.

C.S.H.J.R. 170 authorizes the legislature by general law to authorize the Texas Permanent School Fund Corporation to provide money from the state school safety fund to TEA for purposes of providing financial assistance, including by direct grant to an independent school district or open-enrollment charter school, for applicable school safety projects. The resolution requires the legislature by general law to provide for the manner in which money in the fund may be used, subject to the limitations provided by the resolution's provisions, and authorizes the legislature by general law to provide for costs of the fund's investment and administration to be paid from the fund. The resolution establishes the following components of the state school safety fund:

- money appropriated to the fund;
- money transferred or deposited to the credit of the fund by general law, including money from any source transferred or deposited to the credit of the fund at the discretion of the Texas Permanent School Fund Corporation or TEA as authorized by general law;

- revenue from any source that the legislature by statute dedicates for deposit to the credit of the fund;
- investment earnings and interest earned on amounts credited to the fund;
- 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 Texas public schools are entitled under general law; and
- money transferred to the fund from another fund or account to which money from the fund was transferred, as authorized by general law.

C.S.H.J.R. 170 establishes that for the purposes of constitutional restrictions on the rate of growth of appropriations, an appropriation of money from the Economic Stabilization Fund, otherwise known as the Rainy Day 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 the Texas Constitution.

C.S.H.J.R. 170 is expressly intended to establish a basic framework of the state school safety fund and authorizes the legislature by general law to provide for the implementation and effectuate the design and objects of the resolution's provisions and to delegate duties, responsibilities, functions, and authority to the Texas Permanent School Fund Corporation or TEA for those purposes.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 7, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.J.R. 170 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the resolution.

While both the introduced and substitute provide for the legislature's authority to authorize the use of the fund to provide financial assistance, the introduced authorized the legislature by general law to authorize the Texas Permanent School Fund Corporation to provide the assistance, whereas the substitute authorizes the legislature by general law to authorize the corporation to provide money from the fund to TEA for purposes of providing the assistance. Accordingly, the substitute makes the following additional changes:

- the substitute includes in a provision establishing the components of the fund money from any source transferred or deposited to the credit of the fund at TEA's discretion, whereas the introduced did not; and
- the substitute authorizes the legislature by general law to delegate duties, responsibilities, functions, and authority to the Texas Permanent School Fund Corporation or TEA, whereas the introduced only authorized delegation to the corporation.

The substitute omits a provision from the introduced that specified that revenue from any source that the legislature by statute dedicates for deposit to the credit of the fund includes the proceeds of any fee or tax imposed by the state if dedicated as such by the legislature.

Whereas the introduced established that the fund includes surplus funds identified in any fiscal year from the foundation school program, the substitute instead establishes that the fund includes 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 Texas public schools are entitled under general law.