

BILL ANALYSIS

Senate Research Center
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S.J.R. 33
By: Lucio
Education
4/6/1999
As Filed

DIGEST

Currently, in Texas, a public education facilities assistance fund does not exist. Historically, the legislature has appropriated a set amount of monies, through the appropriations bill, to finance school facilities' initiatives. This bill would require the submission to the voters of a constitutional amendment to establish a public education facilities assistance fund, to offset the need for the legislature to appropriate funds in the appropriations bill for school facilities.

PURPOSE

As proposed, S.J.R. 33 requires the submission to the voters of a constitutional amendment to establish a public education facilities assistance fund.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VII, Texas Constitution, by adding Section 3a, as follows:

Sec. 3a. (a) Provides that the public education facilities assistance fund (fund) is created as a permanent fund outside the treasury with the comptroller of public accounts (comptroller). Requires the fund to be administered as provided by law and is dedicated to generating income to provide for financial assistance to school districts in acquiring land, constructing or equipping school buildings or other permanent improvements to the land, and acquiring capital equipment for school buildings or other permanent improvements to land. Provides that the fund consists of money deposited to the credit of the fund in accordance with law.

(b) Requires the legislature by law to provide for the distribution of income derived from the principal of the fund, less administrative expenses not to exceed amounts set by law or appropriation, to school districts for the purposes stated in this section. Authorizes the law to provide for distribution without appropriation. Prohibits the legislature from distributing the principal of the fund, except that the legislature may distribute all or part of capital gains as income.

(c) Provides that for 10 consecutive fiscal years, beginning September 1, 2001, out of the first money coming into the treasury not otherwise appropriated by the Texas Constitution, an amount equal to one-quarter of one percent of the total amount of an anticipated state general revenue for the applicable fiscal year, as determined by the comptroller in accordance with Section 49A, Article III, Texas Constitution, is transferred to the fund. Authorizes an amount of fund principal not to exceed one-half of the amount transferred to the fund under this subsection for that year to be used to provide financial assistance to school districts for the purposes stated in this section, in each fiscal year subject to this subsection, notwithstanding Subsection (b). Authorizes any amount of fund principal authorized under this subsection to be used in a fiscal year that is not used in that year to be carried over for use in a subsequent fiscal year. Provides that this subsection expires September 1, 2011.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 2, 1999. Sets forth the required language for the ballot.