H.J.R. No. 125

A JOINT RESOLUTION

proposing a constitutional amendment creating the broadband infrastructure fund to expand high-speed broadband access and assist in the financing of connectivity projects.

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

SECTION 1.  Article III, Texas Constitution, is amended by adding Section 49-d-16 to read as follows:

Sec. 49-d-16.  (a) In this section:

(1)  "Comptroller" means the comptroller of public accounts of the State of Texas or its successor.

(2)  "Fund" means the broadband infrastructure fund.

(b)  The broadband infrastructure fund is created as a special fund in the state treasury outside the general revenue fund.

(c)  The fund consists of:

(1)  money transferred or deposited to the credit of the fund by this constitution, general law, or the General Appropriations Act;

(2)  revenue that the legislature by general law dedicates for deposit to the credit of the fund;

(3)  investment earnings and interest earned on money in the fund; and

(4)  gifts, grants, and donations to the fund.

(d)  Money in the fund shall be administered by the comptroller. Money from the fund may be used, without further appropriation, only for the expansion of access to and adoption of broadband and telecommunications services, including:

(1)  the development, construction, reconstruction, and expansion of broadband and telecommunications infrastructure or services;

(2)  the operation of broadband and telecommunications infrastructure;

(3)  the provision of broadband and telecommunications services; and

(4)  the reasonable expenses of administering and managing the investments of the fund.

(e)  The legislature by general law shall provide for the manner in which the assets of the fund may be used, subject to the limitations of this section. Money in the fund may be used in conjunction with other funds or financial resources, including money from the federal government, in accordance with procedures, standards, and limitations established by federal law and general law of this state.

(f)  The comptroller may transfer money from the fund to another fund as provided by general law. The state agency that administers the fund to which the money is transferred as authorized by this subsection may use the money without further appropriation only for the expansion of access to and adoption of broadband and telecommunications services as provided by general law.

(g)  Unless extended by adoption of a concurrent resolution approved by a record vote of two-thirds of the members of each house of the legislature, this section expires on September 1, 2035. A resolution suspends the expiration of this section until September 1 of the 10th year following the adoption of the resolution.

(h)  Immediately before the expiration of this section, the comptroller shall transfer any unexpended and unobligated balance remaining in the fund to the general revenue fund.

(i)  For purposes of Section 22, Article VIII, of this constitution:

(1)  money in the fund is dedicated by this constitution; and

(2)  an appropriation of state tax revenues for the purpose of depositing money to the credit of the fund is treated as if it were an appropriation of revenues dedicated by this constitution.

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

TEMPORARY PROVISION. (a) This temporary provision applies to the amendment to Article III of this constitution as proposed by the 88th Legislature, Regular Session, 2023, creating the broadband infrastructure fund to expand high-speed broadband access and assist in the financing of connectivity projects.

(b)  The change made to Article III of this constitution by the amendment described in Subsection (a) of this section takes effect January 1, 2024.

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

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment creating the broadband infrastructure fund to expand high-speed broadband access and assist in the financing of connectivity projects."

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

  President of the Senate Speaker of the House

I certify that H.J.R. No. 125 was passed by the House on April 26, 2023, by the following vote:  Yeas 137, Nays 7, 1 present, not voting; that the House refused to concur in Senate amendments to H.J.R. No. 125 on May 23, 2023, by a non-record vote and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.J.R. No. 125 on May 28, 2023, by the following vote:  Yeas 128, Nays 10, 1 present, not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Clerk of the House

I certify that H.J.R. No. 125 was passed by the Senate, with amendments, on May 18, 2023, by the following vote:  Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.J.R. No. 125 on May 28, 2023, by the following vote:  Yeas 30, Nays 1.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of the Senate

RECEIVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                 Date

          \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

          Secretary of State