

By: Ashby, et al.

H.J.R. No. 125

A JOINT RESOLUTION

1 proposing a constitutional amendment creating the broadband
2 infrastructure fund to assist in the financing of broadband and
3 telecommunications services projects in the state.

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

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

7 Sec. 49-d-16. (a) In this section:

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

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

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

14 (c) The fund consists of:

15 (1) appropriations from the legislature for deposit to
16 the credit of the fund;

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

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

21 (4) investment earnings and interest earned on money
22 in the fund; and

23 (5) gifts, grants, and donations to the fund.

24 (d) Money in the fund shall be administered by the

1 comptroller. Money from the fund may be used, without further
2 appropriation, only for the expansion of access to and adoption of
3 broadband and telecommunications services, including:

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

7 (2) the operation of broadband and telecommunications
8 infrastructure;

9 (3) the provision of broadband and telecommunications
10 services, including services authorized by general law to be funded
11 by the universal service fund; and

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

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

21 (f) Not later than January 15, 2024, the comptroller shall
22 transfer \$5 billion from the economic stabilization fund to the
23 fund.

24 (g) For purposes of Section 22, Article VIII, of this
25 constitution:

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

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

5 (h) Unless extended by adoption of a concurrent resolution
6 approved by a record vote of two-thirds of the members of each house
7 of the legislature, this section expires on September 1, 2035. A
8 resolution suspends the expiration of this section until September
9 1 of the 10th year following the adoption of the resolution.

10 (i) Immediately before the expiration of this section, the
11 comptroller shall transfer any unexpended and unobligated balance
12 remaining in the fund to the economic stabilization fund.

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

15 TEMPORARY PROVISION. (a) This temporary provision applies
16 to the amendment to Article III of this constitution as proposed by
17 the 88th Legislature, Regular Session, 2023, creating the broadband
18 infrastructure fund to assist in the financing of broadband and
19 telecommunications services projects in the state.

20 (b) The change made to Article III of this constitution by
21 the amendment described in Subsection (a) takes effect January 1,
22 2024.

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

24 SECTION 3. This proposed constitutional amendment shall be
25 submitted to the voters at an election to be held November 7, 2023.
26 The ballot shall be printed to permit voting for or against the
27 proposition: "The constitutional amendment creating the broadband

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1 infrastructure fund to assist in the financing of broadband and
2 telecommunications services projects in the state."