

A JOINT RESOLUTION

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

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

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

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

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

23 (d) Money in the fund shall be administered by the  
24 comptroller. Money from the fund may be used, without further

1 appropriation, only for the expansion of access to and adoption of  
2 broadband and telecommunications services, including:

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

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

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

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

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

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

26 (g) Unless extended by adoption of a concurrent resolution  
27 approved by a record vote of two-thirds of the members of each house

1 of the legislature, this section expires on September 1, 2035. A  
2 resolution suspends the expiration of this section until September  
3 1 of the 10th year following the adoption of the resolution.

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

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

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

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

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

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

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

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

26 SECTION 3. This proposed constitutional amendment shall be  
27 submitted to the voters at an election to be held November 7, 2023.

H.J.R. No. 125

1 The ballot shall be printed to permit voting for or against the  
2 proposition: "The constitutional amendment creating the broadband  
3 infrastructure fund to expand high-speed broadband access and  
4 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

H.J.R. No. 125

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