

By: Ashby

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) "Commission" means the Public Utility Commission
9 of Texas or its successor.

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

12 (3) "Fund" means the broadband infrastructure fund.

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

16 (c) As provided by general law, the fund shall be
17 administered by the comptroller to provide a method of financing
18 projects for the development of broadband and telecommunications
19 services, including the construction, reconstruction, and
20 expansion of broadband and telecommunications infrastructure or
21 services, the operation of broadband and telecommunications
22 infrastructure, and the provision of broadband and
23 telecommunications services, as determined by the comptroller and
24 the commission.

1 (d) Money in the fund is dedicated by this constitution for
2 purposes of Section 22, Article VIII, of this constitution, and an
3 appropriation from the economic stabilization fund to the credit of
4 the fund is an appropriation of state tax revenues dedicated by this
5 constitution for the purposes of Section 22, Article VIII, of this
6 constitution.

7 (e) Money deposited to the credit to the fund and
8 appropriations made from the fund may be used only in accordance
9 with this section and general laws enacted to implement this
10 section. Money in the fund may be used in conjunction with other
11 funds or financial resources, including money from the federal
12 government, in accordance with procedures, standards, and
13 limitations established by federal law and general law of this
14 state.

15 (f) The total amount appropriated by the legislature to the
16 fund may not exceed \$5 billion.

17 (g) Unless extended by adoption of a concurrent resolution
18 approved by a record vote of two-thirds of the members of each house
19 of the legislature, this section expires on September 1, 2035. A
20 resolution suspends the expiration of this section until September
21 1 of the 10th year following the adoption of the resolution.

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

24 TEMPORARY PROVISION. (a) This temporary provision applies
25 to the amendment to Article III of this constitution as proposed by
26 the 88th Legislature, Regular Session, 2023, creating the broadband
27 infrastructure fund to assist in the financing of broadband and

1 telecommunications services projects in the state.

2 (b) The change made to Article III of this constitution by
3 the amendment described in Subsection (a) takes effect January 1,
4 2024.

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

6 SECTION 3. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 7, 2023.
8 The ballot shall be printed to permit voting for or against the
9 proposition: "The constitutional amendment creating the broadband
10 infrastructure fund to assist in the financing of broadband and
11 telecommunications services projects in the state."