

Amend CSHB 300 (house committee printing) as follows:

(1) Add the following appropriately numbered ARTICLE to the bill and renumber subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . TOLL PROJECT ENTITIES

SECTION \_\_\_\_ .01. Subchapter A, Chapter 284, Transportation Code, is amended by adding Section 284.014 to read as follows:

Sec. 284.014. SUNSET PROVISION. The authority granted to a county under this chapter is abolished September 1, 2013, unless continued by the legislature.

SECTION \_\_\_\_ .02. Subchapter B, Chapter 366, Transportation Code, is amended by adding Section 366.039 to read as follows:

Sec. 366.039. SUNSET PROVISION. A regional tollway authority created or established under this chapter, including an entity established as a regional tollway authority under Chapter 1171 (SB 370), Acts of the 75th Legislature, Regular Session, 1997, is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished September 1, 2013.

SECTION \_\_\_\_ .03. Subchapter B, Chapter 370, Transportation Code, is amended by adding Section 370.0314 to read as follows:

Sec. 370.0314. SUNSET PROVISION. A regional mobility authority created under this chapter or prior law is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished September 1, 2013.

SECTION \_\_\_\_ .04. Chapter 371, Transportation Code, as added by Chapters 103 (HB 570) and 258 (SB 11), Acts of the 80th Legislature, Regular Session, 2007, is reenacted, redesignated as Chapter 372, Transportation Code, and amended to read as follows:

CHAPTER 372 [~~371~~]. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF

TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 372.001 [~~371.001~~]. DEFINITIONS. In this chapter:

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project:

(A) is a part of the state highway system; or

(B) is subject to the jurisdiction of the

department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

(A) the department under Chapter 227 or 228;

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter 370; or

(D) a county under Chapter 284.

(3) "Local toll project entity" means a toll project entity other than the department.

#### SUBCHAPTER B. TOLL PROJECT OPERATION

Sec. 372.051 [~~371.051~~]. USE OF MOTOR VEHICLE REGISTRATION OR LICENSE PLATE INFORMATION. (a) A toll project entity may not use motor vehicle registration or other information derived from a license plate on a vehicle using a toll project, including information obtained by the use of automated enforcement technology described by Section 228.058, for purposes other than those related to:

(1) toll collection and toll collection enforcement; and

(2) law enforcement purposes on request by a law enforcement agency [~~, subject to Section 228.058(d)~~].

(b) If a toll project entity enters into an agreement with an entity in another state that involves the exchange of motor vehicle registration or license plate information for toll collection or toll collection enforcement purposes, the agreement must provide that the information may not be used for purposes other than those described in Subsection (a).

Sec. 372.052 [~~371.001~~]. VEHICLES USED BY NONPROFIT DISASTER RELIEF ORGANIZATIONS. [~~(a) In this section:~~

~~(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project is:~~

~~(A) a part of the state highway system; or~~

~~(B) subject to the jurisdiction of the department.~~

~~[(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:~~

~~[(A) the department under Chapter 227 or 228,~~

~~[(B) a regional tollway authority under Chapter 366,~~

~~[(C) a regional mobility authority under Chapter 370, or~~

~~[(D) a county under Chapter 284.~~

~~[(b)] A toll project entity may not require a vehicle registered under Section 502.203 to pay a toll for the use of a toll project.~~

[Sections 372.053-372.100 reserved for expansion]

SUBCHAPTER C. CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE

Sec. 372.101. EXPENDITURES FOR TOLL PROJECT LANDSCAPING.

(a) For each contract for a toll project that is located in an area designated by the United States Environmental Protection Agency as a nonattainment or near-nonattainment area under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407), the toll project entity shall allocate to the district or districts in which the project is to be located an amount equal to one-half of one percent of the total amount to be spent under the contract for construction, maintenance, and improvement of the project to be used for landscaping improvements for the project or other projects in the district or districts.

(b) Landscaping improvements may include:

(1) planting indigenous or adapted trees and other plants that are suitable for the climate in the area; and

(2) preparing the soil and installing irrigation systems for the growth of trees and plants.

[Sections 372.102-372.150 reserved for expansion]

SUBCHAPTER D. LOCAL TOLL PROJECT ENTITY PROVISIONS

Sec. 372.151. AUDITS. The books and records of a local toll project entity for which the entity uses state highway right-of-way are subject to audit by the department and the state auditor.

Sec. 372.152. CONTRACTOR CONTRIBUTIONS PROHIBITED. A person who enters into or submits a proposal for a contract with a

local toll project entity under this chapter or Chapter 228, 284, 366, or 370 may not make a political contribution to a person who is a member of the governing body of a local toll project entity.

Sec. 372.153. PROHIBITED ACTS OF LOCAL TOLL PROJECT ENTITIES AND INDIVIDUALS. (a) A local toll project entity may not use any money under its control to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

(b) A board member or employee may not use a motor vehicle owned or leased by the local toll project entity for a purpose described by Subsection (a).

(c) A board member or employee may not use official authority or influence or permit the use of a program administered by the local toll project entity of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.

(d) A local toll project entity board member or employee may not coerce, attempt to coerce, or command the payment, loan, or contribution of any thing of value to a person or political organization for a political purpose or restrict, attempt to restrict, or prevent such a payment, loan, or contribution.

(e) For purposes of Subsection (c), a board member or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is not prohibited by a law relating to the individual's office or employment and is not otherwise prohibited by law.

Sec. 372.154. EMPLOYMENT OF LOBBYIST. (a) A local toll project entity may not use any money under its control to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305, Government Code, to register as a lobbyist.

(b) A local toll project entity may not use any money under its control to pay, on behalf of the entity or a board member or

employee of the entity, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305, Government Code, to register as a lobbyist.

(c) A local toll project entity that violates this section is not eligible to receive additional state funds or exercise any right of primacy for a toll road granted by the legislature to develop, finance, construct, and operate a project.

Sec. 372.155. LEGISLATIVE LOBBYING. (a) A local toll project entity may not use any money under its control to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a board member or employee from using the entity's resources to provide public information or to provide information responsive to a request.

(c) A local toll project entity that violates this section is not eligible to receive additional state funds or exercise any right of primacy for a toll road granted by the legislature to develop, finance, construct, and operate a project.

Sec. 372.156. TERMINATION OF EMPLOYMENT. A local toll project entity board member or employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 372.155(b) or who violates Section 372.153(c) or (d) is subject to immediate termination of employment.

Sec. 372.157. COMPENSATION PROHIBITION. A local toll project entity may not use any money under its control to compensate a board member or employee who violates Section 372.153 or who causes or assists in the violation of Section 372.154 or 372.155(a), or an employee who is subject to termination under Section 372.156.

Sec. 372.158. ADVISORS, CONSULTANTS, AUDITORS, AND OTHER EXPERTS. A person may not serve as a consultant, or advisor, auditor, or other expert in connection with a contract of a local toll project entity if the person or the person's affiliates have a financial interest in the contract.

Sec. 372.159. NOTICE OF PROHIBITIONS. (a) A local toll project entity shall deliver to each board member and employee of the entity a copy of Sections 372.153, 372.154, 372.155, 372.156,

372.157, and 372.158 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.

(b) A local toll project entity shall maintain receipts collected from current board members and employees under this section in a manner accessible for public inspection.

Sec. 372.160. TOLL PROJECT INFORMATION. (a) A local toll project entity may, notwithstanding Chapter 2113, Government Code, engage in marketing, advertising, and other activities to provide information relating to the status of pending or ongoing toll projects and may enter into contracts or agreements necessary to procure marketing, advertising, or informational services from outside service providers.

(b) This section does not authorize a local toll project entity to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism.

Sec. 372.161. TERMINOLOGY FOR COUNTIES ACTING UNDER CHAPTER 284. For the application of this subchapter to a county acting under Chapter 284, a reference to a board member of a local toll project entity means a county commissioner of the county and a reference to administrative head of a local toll project entity means the county judge of the county.

SECTION \_\_\_\_\_.05. The following sections of the Transportation Code are repealed:

- (1) Section 228.004;
- (2) Section 284.072;
- (3) Section 366.181; and
- (4) Section 370.180.

(2) Strike SECTION 7.02 of the bill (page 104, lines 5-24).