

Amend CSHB 300 (house committee printing) by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 4.\_\_\_\_. (a) Section 222.104, Transportation Code, is amended by amending Subsections (i) and (j) and adding Subsection (l) to read as follows:

(i) Notwithstanding any other law, including Section 228.002(b), the department is responsible for the administration of pass-through agreements under this section and is responsible ~~[To the maximum extent permitted by law, the department may delegate the full responsibility]~~ for the design, bidding, and construction, including oversight and inspection, of the facility ~~[to a municipality, county, regional mobility authority, or regional tollway authority with which the department enters into an agreement under this section]~~.

(j) An agreement under this section must provide that the municipality, county, regional mobility authority, or regional tollway authority is required to meet state design criteria, construction specifications, and contract administration procedures ~~[unless the department grants an exception]~~.

(l) The department may not agree to pay a public or private entity an amount more than an amount equal to the construction costs of a project under an agreement under this section.

(b) The change in law made to Section 222.104, Transportation Code, by this article applies only to a pass-through agreement entered into on or after September 1, 2009. A pass-through agreement entered into before September 1, 2009, is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.