

Amend CSHB 300 (Senate committee printing) as follows:

(1) In SECTION 1.18 of the bill, added Section 223.0411(a), Transportation Code (page 7, lines 40 and 41), strike added Subdivisions (3) and (4) and substitute the following:

- (3) the Associated General Contractors of Texas; and
- (4) the Texas Consultant Engineering Council.

(2) In SECTION 1.24 of the bill, amended Section 228.055(b), Transportation Code (page 9, line 55), strike "30th" and substitute "90th".

(3) In SECTION 2.06 of the bill, added Section 201.808, Transportation Code (page 19, lines 9 through 16), strike added Subsection (g) and substitute the following:

(g) The transportation project and performance reporting system established under Subsection (b) must include:

(1) information relating to each source of the department's funds, including the identification of revenue from each comprehensive development agreement or toll project; and

(2) information relating to all expenditures of the department by type of expenditure, as described in the comptroller's statewide accounting system, and reported for all applicable organizational groups and categories, including:

- (A) the entire department;
- (B) each department division;
- (C) each department district; and
- (D) each program funding category for project expenses.

(4) In SECTION 2.10 of the bill, added Section 472.0331(b), Transportation Code (Page 25, line 3), strike "must" and substitute "may".

(5) In SECTION 2.12 of the bill, added Section 472.153(a), Transportation Code (page 25, line 52), strike "must" and substitute "may".

(6) In SECTION 3.01 of the bill, added Section 201.605(i), Transportation Code (page 27), strike lines 34 through 36 and substitute the following:

(i) The commission by rule shall provide for notice to owners of adjoining property and affected local governments and

public officials and provide an opportunity for comment on a state highway project

(7) In SECTION 4.03 of the bill, amended Section 223.201(a), Transportation Code (page 30), strike lines 29 through 32 and substitute the following:

operate, extend, or expand a state highway[+

~~[(1) toll project,~~

~~[(2) facility or a combination of facilities on the Trans-Texas Corridor,~~

(8) Add the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumber subsequent SECTIONS of that article accordingly:

SECTION _____. Subchapter E, Chapter 223, Transportation Code, is amended by adding Section 223.2011 to read as follows:

Sec. 223.2011. COMPREHENSIVE DEVELOPMENT AGREEMENTS IN CERTAIN COUNTIES FOR CERTAIN PROJECTS. (a) In this section, "region" means a county with a population of 3.3 million or more and the counties adjacent to that county.

(b) This section applies only to:

(1) the portion of IH 69 and any successor project located in:

(A) a county with a population of 3.3 million or more; or

(B) any adjacent county;

(2) a comprehensive development agreement or related agreement entered into by the department in connection with the project under Subdivision (1); and

(3) a toll project or other project in the region the revenues or assets of which are to be used in connection with the financing of a project under Subdivision (1).

(c) Any payments, project savings, refinancing dividends, and any other revenue, including surplus revenue, received by the commission or the department under the comprehensive development agreement or any related agreement, and any revenue attributable to any toll project or other project in the region described by Subsection (b)(3), may be used only to pay the costs or to finance the construction, maintenance, or operation of transportation

projects or air quality projects in the region.

(d) The private entity that is a party to the comprehensive development agreement does not have any right under the agreement or any related agreement that conflicts with, infringes on, or impairs the rights of any county with respect to the development or operation of any project under Section 228.011 or 228.0111 or other applicable law that provides for a process under which the county has the first option to develop and operate a project.

(e) A comprehensive development agreement and any related agreement that includes a provision that grants a private entity the right to finance and develop a toll project in the region or to collect and receive toll revenue from a toll project in the region is not effective unless the agreement complies with this section.

(9) In SECTION 4.06 of the bill, amended Section 223.208(e), Transportation Code (page 31, line 14), strike "or Section 227.023(c)" and substitute "~~or Section 227.023(c)~~".

(10) Immediately after SECTION 4.10 of the bill (page 33, between lines 2 and 3) insert the following:

SECTION 4.11. The change in law made by this article to Section 223.201(a), Transportation Code, does not apply to a comprehensive development agreement entered into by the Texas Department of Transportation under Section 227.023, Transportation Code, before the effective date of this Act. A comprehensive development agreement entered into under Section 227.023, Transportation Code, before the effective date of this Act 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.

(11) In SECTION 7.01 of the bill, added Section 1003.002(a), Transportation Code (page 45, line 42), strike "or the department".

(12) Between ARTICLES 14 and 16 of the bill (page 69, between lines 3 and 4) insert the following:

ARTICLE 15. TEXAS MOBILITY FUND

SECTION 15.01. Sections 201.943(b), (e), and (f), Transportation Code, are amended to read as follows:

(b) Obligations must be secured by and payable from a pledge of and lien on all or part of the money in the fund, including revenues of this state that are dedicated or appropriated for

deposit to fund. Obligations may be additionally secured by and payable from credit agreements. The commission may pay amounts due on the obligations from discretionary money available to it that is not dedicated to or appropriated for other specific purposes.

(e) Long-term obligations in the amount proposed to be issued by the commission may not be issued unless the comptroller projects in a comptroller's certification that the amount of money dedicated to the fund pursuant to Section 49-k(e), Article III, Texas Constitution, and required to be on deposit in the fund pursuant to Section 49-k(f), Article III, Texas Constitution, together with any other money or revenue that the commission pledges or otherwise commits for those purposes, including receipts from credit agreements and money received or to be received from the federal government, and the investment earnings on [~~that~~] money in the fund, during each year of the period during which the proposed obligations are scheduled to be outstanding will be equal to at least 110 percent of the requirements to pay the principal of and interest on the proposed long-term obligations during that year.

(f) Short-term obligations in the amount proposed by the commission may not be issued unless the comptroller, in a comptroller's certification:

(1) assumes that the short-term obligations will be refunded and refinanced to mature over a 20-year period with level principal requirements and bearing interest at then current market rates, as determined by the comptroller; and

(2) projects that the amount of money dedicated to the fund pursuant to Section 49-k(e), Article III, Texas Constitution, and required to be on deposit in the fund pursuant to Section 49-k(f), Article III, Texas Constitution, together with any other money or revenue that the commission pledges or otherwise commits for those purposes, including receipts from credit agreements and money received or to be received from the federal government, and the investment earnings on [~~that~~] money in the fund, during each year of the assumed 20-year period will be equal to at least 110 percent of the requirements to pay the principal of and interest on the proposed refunding obligations during that year.

SECTION 15.02. This article takes effect immediately if

this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

(13) In ARTICLE 19 of the bill, strike SECTION 19.07 (page 83, lines 42 through 58) and renumber subsequent SECTIONS of that article accordingly.

(14) In the recital to SECTION 19.09 of the bill (page 83, line 67), strike ", (e),".

(15) In SECTION 19.09 of the bill, amended Section 223.208, Transportation Code (page 84, lines 6 through 22), strike amended Subsection (e).

(16) In SECTION 26.07(a) of the bill (page 101, line 42), strike "Act" and substitute "article".

(17) In SECTION 26.07(b) of the bill (page 102, line 7), strike "Act" and substitute "article".

(18) In SECTION 26.08 of the bill (page 102, lines 9, 11, and 13), strike "Act" and substitute "article".

(19) Immediately after SECTION 26.08 of the bill (page 102, between lines 14 and 15), insert the following:

SECTION 26.09. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

(20) In SECTION 27.08 of the bill (page 109, lines 36, 38, and 40), strike "Act" and substitute "article".

(21) Immediately after SECTION 27.08 of the bill (page 109, between lines 41 and 42), insert the following:

SECTION 27.09. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

(22) In SECTION 28.02(a) of the bill (page 110, line 6), strike "Act" and substitute "article".

(23) In Section 28.02(b) of the bill (page 110, line 24),

strike "Act" and substitute "article".

(24) Immediately after SECTION 28.02 of the bill (page 110, between lines 25 and 26), insert the following:

SECTION 28.03. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

(25) Immediately after SECTION 30.01 of the bill (page 113, between lines 23 and 24), insert the following:

SECTION 30.02. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.

(26) In SECTION 31.03 of the bill (page 114, lines 18, 20, and 21), strike "Act" and substitute "article".

(27) Immediately after SECTION 31.03 of the bill (page 114, between lines 22 and 23), insert the following:

SECTION 31.04. This article takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this article takes effect September 1, 2009.