

Amend CSSB 312 (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 222.103(a), Transportation Code, is amended to read as follows:

(a) The department may participate, by spending money from any available source, in the cost of the acquisition, construction, maintenance, or operation of a toll facility of a public or private entity on terms and conditions established by the commission. The commission[+]

~~[(1) may require the repayment of any money spent by the department for the cost of a toll facility of a public entity, and~~

~~[(2)] shall require the repayment of any money spent [by the department for the cost of a toll facility of a private entity].~~

(b) Section 366.301(c), Transportation Code, is amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department shall ~~[may]~~ require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project or system on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(c) Section 370.033(m), Transportation Code, is amended to read as follows:

(m) If an authority receives money from the general revenue fund, the Texas Mobility Fund, or the state highway fund, it:

(1) may use the money only to acquire, design, finance, construct, operate, or maintain a turnpike project under Section 370.003(14)(A) or (D) or a transit system under Section

370.351; and

(2) must repay the money.

(d) Sections 370.301(c) and (f), Transportation Code, are amended to read as follows:

(c) An obligation or expense incurred by the commission or department under this section is a part of the cost of the turnpike project for which the obligation or expense was incurred. The commission or department shall ~~[may]~~ require money contributed by the commission or department under this section to be repaid. The commission or department may require the money to be repaid from tolls or other revenue of the turnpike project on which the money was spent. Money repaid as required by the commission or department shall be deposited to the credit of the fund from which the contribution was made. Money deposited as required by this section is exempt from the application of Section 403.095, Government Code.

(f) The commission may ~~[grant or]~~ loan department money to an authority for the acquisition of land for or the construction, maintenance, or operation of a turnpike project. The commission shall ~~[may]~~ require the authority to repay money loaned ~~[provided]~~ under this section. The commission may require the money to be repaid from toll revenue or other sources on terms established by the commission.

(e) Subchapter A, Chapter 372, Transportation Code, is amended by adding Section 372.002 to read as follows:

Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT.
A toll project entity shall repay to the department any money contributed by the department as participation in the cost of the entity's toll projects, including money from the state highway fund, the Texas Mobility Fund, or other sources available to the department.

(f) The changes in law made by this section apply only to a loan, grant, or other contribution made by the Texas Department of Transportation or the Texas Transportation Commission on or after the effective date of this Act. A loan, grant, or other contribution made before the effective date of this Act is governed by the law in effect on the date the loan, grant, or other contribution is made, and the former law is continued in effect for

that purpose.