

Amend the amendment to **CSSB 1** by Representative McClendon (page 252 of the amendment packet) by striking lines 1-28 of the amendment and substituting:

Amend **CSSB 1** in Article VII of the bill, at the end of the appropriations to the Texas Department of Transportation by adding the appropriately numbered rider:

_____. ALLOCATION FOR RAIL RELOCATION AND IMPROVEMENT FUND.

(a) Out of the funds appropriated above, and on a finding by the comptroller under Subsection (b) of this rider, an amount of \$91 million is allocated out of the state highway fund for state fiscal year 2010 and an amount of \$91 million is allocated out of the state highway fund for state fiscal year 2011 for transfer to the Texas rail relocation and improvement fund. The amounts are allocated for expenditure out of the Texas rail relocation and improvement fund to the Texas Department of Transportation for the purposes described by Section 49-o, Article III, Texas Constitution.

(b) The allocations under Subsection (a) of this rider may be made only if the comptroller issues a finding of fact that the following items total an increase for the 2010-2011 state fiscal biennium of at least \$182 million over the 2008-2009 state fiscal biennium:

(1) the net impact of enacted revenue measures on incoming revenue of the state highway fund;

(2) the amount of any reduction in appropriations made from the state highway fund to state agencies other than the Texas Department of Transportation; and

(3) any increase in appropriations made to the Texas Department of Transportation from the general revenue fund.

(c) The allocation of money under Subsection (a) of this rider does not include money in the state highway fund that is dedicated for particular purposes by the constitution of this state.

(d) Any unexpended balance on August 31, 2010, of amounts allocated by this rider in fiscal year 2010 is allocated for the purposes of this rider for the state fiscal year beginning September 1, 2010.