

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Darby, Coleman, et al.

H.B. No. 3302

A BILL TO BE ENTITLED

AN ACT

relating to highway landscaping projects.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 392, Transportation Code, is amended by adding Sections 392.004 and 392.005 to read as follows:

Sec. 392.004. REGIONALLY APPROPRIATE LANDSCAPING. (a) The department shall establish guidelines for a beautification project on a state highway right-of-way that require the use of only regionally appropriate plants. The guidelines must prioritize the use of plants that are:

(1) low maintenance; and

(2) drought resistant if used for a beautification project located in an area of this state that experiences frequent droughts.

(b) A district may use plants that are not regionally appropriate for a beautification project if a municipality or county:

(1) participates in the design and decision to use a plant that is not regionally appropriate; and

(2) agrees to a long-term maintenance agreement of the beautification project.

Sec. 392.005. EXPENDITURES FOR HIGHWAY LANDSCAPING. (a) In this section, "landscaping improvement" means:

1           (1) the planting of regionally appropriate plants  
2 selected under the guidelines established under Section 392.004; or

3           (2) the preparation of soil or the installation of  
4 irrigation systems for the growth of plants described by  
5 Subdivision (1).

6           (b) For each highway project contract that involves the  
7 expenditure of \$5 million or more, the department shall allocate  
8 money for landscaping improvements to the district in which the  
9 highway project is located. If the highway project is located in  
10 more than one district, the department shall divide the money  
11 according to the amount under the contract to be spent in each  
12 district. The department, before allocating money to a district,  
13 may take into consideration financial assistance from a political  
14 subdivision or a private organization for landscaping  
15 improvements.

16           (c) The total amount of money allocated for landscaping  
17 improvements for a highway project contract under Subsection (b)  
18 may not exceed:

19                   (1) one percent of the lesser of:

20                           (A) the estimated total amount to be spent under  
21 contract for construction, maintenance, or improvement of the  
22 highway if that total amount is less than \$50 million; or

23                           (B) the actual total amount spent under contract  
24 for construction, maintenance, or improvement of the highway if  
25 that total amount is less than \$50 million; or

26                   (2) one-half of one percent of the lesser of:

27                           (A) the estimated total amount to be spent under

1 contract for construction, maintenance, or improvement of the  
2 highway if that total amount is \$50 million or more; or

3 (B) the actual total amount spent under contract  
4 for construction, maintenance, or improvement of the highway if  
5 that total amount is \$50 million or more.

6 (d) A district that receives money from the department under  
7 Subsection (b) may spend the amount only for landscaping  
8 improvements related to:

9 (1) the highway project that is the subject of the  
10 contract under Subsection (b); or

11 (2) another highway or highway segment located in the  
12 district.

13 (e) This section does not apply to a contract awarded for:

14 (1) an emergency highway improvement project under  
15 Subchapter C, Chapter 223;

16 (2) silt and erosion control or repair; and

17 (3) planting grass required by federal regulation.

18 SECTION 2. This Act takes effect September 1, 2015.

# ADOPTED

MAY 27 2015

By: Darby / Kolkhorst

Leta Spaw

H.B. No. 3302

Substitute the following for H.B. No. 3302:

Secretary of the Senate

By: L. W. Kolbe

C.S. H.B. No. 3302

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relating to highway landscaping projects.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 392, Transportation Code, is amended by adding Section 392.004 to read as follows:

Sec. 392.004. REGIONALLY APPROPRIATE LANDSCAPING. The department shall establish guidelines for a beautification project on a state highway right-of-way that require the use of only regionally appropriate plants.

SECTION 2. This Act takes effect September 1, 2015.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 28, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB3302** by Darby (Relating to highway landscaping projects.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish guidelines for a beautification project on a state highway right-of-way that require the use of only regionally appropriate plants.

Based on information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, SD, AG, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 22, 2015**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3302** by Darby (Relating to highway landscaping projects.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish guidelines for a beautification project on a state highway right-of-way that require the use of only regionally appropriate plants.

Based on information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, AG, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 13, 2015**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3302** by Darby (Relating to highway landscaping projects.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish guidelines for highway landscaping on state rights of way that require the use of regionally appropriate plants. The bill would require TxDOT to allocate funds to the applicable districts for landscaping improvements for each highway project involving the expenditure of \$5 million or more. The bill would allow TxDOT, before allocating money to a district, to consider financial assistance from a political subdivision or private organization for landscaping improvements. The bill would establish limits on the amount allocated for landscaping depending on the estimated total amount to be spent under a contract for construction, maintenance, or improvement of a highway.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, NV, TG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 24, 2015**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3302** by Darby (Relating to highway landscaping projects.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish guidelines for highway landscaping on state rights of way that require the use of native or regionally appropriate plants. The bill would require TxDOT to allocate funds to the applicable districts for landscaping improvements for each highway project involving the expenditure of \$5 million or more. The bill would allow TxDOT, before allocating money to a district, to consider financial assistance from a political subdivision or private organization for landscaping improvements. The bill would establish limits on the amount allocated for landscaping depending on the estimated total amount to be spent under a contract for construction, maintenance, or improvement of a highway.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, NV, TG



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 8, 2015**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3302** by Darby (Relating to highway landscaping projects.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish guidelines for highway landscaping on state rights of way that require the use of native or regionally appropriate plants. The bill would require TxDOT to allocate funds to the applicable districts for landscaping improvements for each highway project with a cost of \$5 million or more. The bill would limit the amount allocated for landscaping to 1 percent of the total amount to be spent under contract for projects under \$50 million and one-half of one percent of the total amount to be spent under contract for projects of \$50 million or more.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, NV, TG