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H.B. No. 4280

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the grant program distributing money from the
3 transportation infrastructure fund.

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

5 SECTION 1. Sections 256.103(a) and (b), Transportation
6 Code, are amended to read as follows:

7 (a) The department shall develop policies and procedures to
8 administer a grant program under this subchapter to make grants to
9 counties only for transportation infrastructure projects located
10 in areas of the state affected by increased oil and gas
11 production. The department may adopt rules to implement this
12 subchapter.

13 (b) Grants distributed during a fiscal year must be
14 allocated among counties as follows:

15 (1) 10 [~~20~~] percent according to weight tolerance
16 permits, determined by the ratio of weight tolerance permits issued
17 in the preceding fiscal year for the county to the total number of
18 weight tolerance permits issued in the state in that fiscal year, as
19 determined by the Texas Department of Motor Vehicles;

20 (2) 20 percent according to oil and gas production
21 taxes, determined by the ratio of oil and gas production taxes
22 collected by the comptroller in the preceding fiscal year in the
23 county to the total amount of oil and gas production taxes collected
24 in the state in that fiscal year, as determined by the comptroller;

1 (3) 45 [~~50~~] percent according to horizontal well
2 completions, determined by the ratio of horizontal well completions
3 in the preceding fiscal year in the county to the total number of
4 horizontal well completions in the state in that fiscal year, as
5 determined by the Railroad Commission of Texas; [~~and~~]

6 (4) 10 percent according to the volume of oil and gas
7 waste injected, determined by the ratio of the volume of oil and gas
8 waste injected in the preceding fiscal year in the county to the
9 total volume of oil and gas waste injected in the state in that
10 fiscal year, as determined by the Railroad Commission of Texas; and

11 (5) 15 percent according to vertical well completions,
12 determined by the ratio of vertical well completions in the
13 preceding fiscal year in the county to the total number of vertical
14 well completions in the state in that fiscal year, as determined by
15 the Railroad Commission of Texas.

16 SECTION 2. Section [256.104](#)(a), Transportation Code, is
17 amended to read as follows:

18 (a) In applying for a grant under this subchapter, the
19 county shall:

20 (1) provide the road condition report described by
21 Section [251.018](#) made by the county for the previous year; and

22 (2) submit to the department a plan that:

23 (A) provides a list of transportation
24 infrastructure projects to be funded by the grant;

25 (B) describes the scope of the transportation
26 infrastructure project or projects to be funded by the grant using
27 best practices for prioritizing the projects; and

1 (C) [~~provides for matching funds as required by~~
2 ~~Section 256.105, and~~

3 [~~(D)~~] meets any other requirements imposed by the
4 department.

5 SECTION 3. Subchapter C, Chapter 256, Transportation Code,
6 is amended by adding Sections 256.107 and 256.108 to read as
7 follows:

8 Sec. 256.107. COMPETITIVE BIDDING REQUIRED FOR CONTRACTS
9 FUNDED BY GRANTS. (a) Except as otherwise provided by law, a county
10 that enters into a contract for a transportation infrastructure
11 project that involves construction or maintenance of roads and is
12 funded by a grant under this subchapter shall:

13 (1) advertise for bids for the contract in a manner
14 prescribed by law;

15 (2) receive competitive bids for the contract,
16 publicly open the bids, and read aloud the names of the bidders and
17 their bids; and

18 (3) award the contract to the lowest responsible
19 bidder.

20 (b) In advertising for bids under Subsection (a), a county
21 shall prepare a request for competitive bids that includes
22 construction documents, estimated budget, project scope, estimated
23 project completion date, and other information that a bidder may
24 require to submit a bid.

25 (c) Not later than the seventh day after the date a contract
26 described by Subsection (a) is awarded, the county that awarded the
27 contract shall document the basis of its selection and shall make

1 the evaluations public.

2 Sec. 256.108. PERIOD FOR SPENDING GRANT. A grant awarded
3 under this subchapter must be spent not later than the fifth
4 anniversary of the date of the award.

5 SECTION 4. Section 256.105, Transportation Code, is
6 repealed.

7 SECTION 5. Section 256.107, Transportation Code, as added
8 by this Act, applies only to a contract entered into on or after the
9 effective date of this Act. A contract entered into before the
10 effective date of this Act is governed by the law in effect on the
11 date the contract was entered into, and the former law is continued
12 in effect for that purpose.

13 SECTION 6. This Act takes effect September 1, 2019.