

By: Morrison, Landgraf, Nevárez, Craddick,
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H.B. No. 4280

Substitute the following for H.B. No. 4280:

By: Krause

C.S.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. Section 256.103, Transportation Code, is amended
6 by amending Subsections (a) and (b) and adding Subsection (a-1) to
7 read as follows:

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

14 (a-1) A county is eligible for a grant under this subchapter
15 if at least \$10 million in oil and gas production taxes were
16 collected in the county in the fiscal year preceding the fiscal year
17 in which the county applies for a grant, as determined by the
18 comptroller.

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

21 (1) 10 [~~20~~] percent according to weight tolerance
22 permits, determined by the ratio of weight tolerance permits issued
23 in the preceding fiscal year for the county to the total number of
24 weight tolerance permits issued in the state in that fiscal year, as

1 determined by the Texas Department of Motor Vehicles;

2 (2) 20 percent according to oil and gas production
3 taxes, determined by the ratio of oil and gas production taxes
4 collected by the comptroller in the preceding fiscal year in the
5 county to the total amount of oil and gas production taxes collected
6 in the state in that fiscal year, as determined by the comptroller;

7 (3) 45 [~~50~~] percent according to horizontal well
8 completions, determined by the ratio of horizontal well completions
9 in the preceding fiscal year in the county to the total number of
10 horizontal well completions in the state in that fiscal year, as
11 determined by the Railroad Commission of Texas; [~~and~~]

12 (4) 10 percent according to the volume of oil and gas
13 waste injected, determined by the ratio of the volume of oil and gas
14 waste injected in the preceding fiscal year in the county to the
15 total volume of oil and gas waste injected in the state in that
16 fiscal year, as determined by the Railroad Commission of Texas; and

17 (5) 15 percent according to vertical well completions,
18 determined by the ratio of vertical well completions in the
19 preceding fiscal year in the county to the total number of vertical
20 well completions in the state in that fiscal year, as determined by
21 the Railroad Commission of Texas.

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

24 (a) In applying for a grant under this subchapter, the
25 county shall:

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

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

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

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

7 (C) [~~provides for matching funds as required by~~
8 ~~Section 256.105; and~~

9 [(D)] meets any other requirements imposed by the
10 department.

11 SECTION 3. Subchapter C, Chapter 256, Transportation Code,
12 is amended by adding Sections 256.107 and 256.108 to read as
13 follows:

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

19 (1) advertise for bids for the contract in a manner
20 prescribed by law;

21 (2) receive competitive bids for the contract,
22 publicly open the bids, and read aloud the names of the bidders and
23 their bids; and

24 (3) award the contract to the lowest responsible
25 bidder.

26 (b) In advertising for bids under Subsection (a), a county
27 shall prepare a request for competitive bids that includes

1 construction documents, estimated budget, project scope, estimated
2 project completion date, and other information that a bidder may
3 require to submit a bid.

4 (c) Not later than the seventh day after the date a contract
5 described by Subsection (a) is awarded, the county that awarded the
6 contract shall document the basis of its selection and shall make
7 the evaluations public.

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

11 SECTION 4. Section 256.105, Transportation Code, is
12 repealed.

13 SECTION 5. Section 256.107, Transportation Code, as added
14 by this Act, applies only to a contract entered into on or after the
15 effective date of this Act. A contract entered into before the
16 effective date of this Act is governed by the law in effect on the
17 date the contract was entered into, and the former law is continued
18 in effect for that purpose.

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