

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Morrison, Landgraf, Nevárez, Craddick,  
King of Uvalde, et al.

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.

ADOPTED

MAY 20 2019

BY

*Sally Jewell*  
Secretary of the Senate

*Robert Lee Nichols*

FLOOR AMENDMENT NO. 1

1 Amend H.B. No. 4280 (senate committee printing) by striking  
2 SECTIONS 2 and 4 of the bill (page 1, line 57 through page 2, line  
3 11 and page 2, lines 39 and 40) and renumbering subsequent SECTIONS  
4 of the bill as appropriate.

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 21, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4280** by Morrison (Relating to the grant program distributing money from the transportation infrastructure fund.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend provisions in Subchapter C, Chapter 256 of the Transportation Code, to change the methodology for determining the distribution of Transportation Infrastructure Fund (TIF) grants among the eligible counties.

Based on the analysis of the Texas Department of Transportation and the Railroad Commission, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agencies' existing resources.

**Local Government Impact**

The Texas Association of Counties anticipates a positive fiscal impact in some counties and a negative fiscal impact in other counties by prioritizing grants in some areas at the expense of other parts of the state. However, the impact to individual counties cannot be determined at this time.

**Source Agencies:**        304 Comptroller of Public Accounts, 455 Railroad Commission, 601  
   Department of Transportation, 608 Department of Motor Vehicles

**LBB Staff:** WP, TG, JGAn, AF

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 10, 2019**

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

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4280** by Morrison (Relating to the grant program distributing money from the transportation infrastructure fund.), **As Engrossed**

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

The bill would amend provisions in Subchapter C, Chapter 256 of the Transportation Code, to change the methodology for determining the distribution of Transportation Infrastructure Fund (TIF) grants among the eligible counties. The bill would repeal provisions that require a county to provide an amount of matching funds to be eligible to receive a TIF grant.

Based on the analysis of the Texas Department of Transportation and the Railroad Commission, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agencies' existing resources.

**Local Government Impact**

The Texas Association of Counties anticipates a positive fiscal impact in some counties and a negative fiscal impact in other counties by prioritizing grants in some areas at the expense of other parts of the state. However, the impact to individual counties cannot be determined at this time.

**Source Agencies:**        304 Comptroller of Public Accounts, 455 Railroad Commission, 601  
Department of Transportation, 608 Department of Motor Vehicles

**LBB Staff:** WP, TG, JGAn, AF

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 26, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4280** by Morrison (relating to the grant program distributing money from the transportation infrastructure fund.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend provisions in Subchapter C, Chapter 256 of the Transportation Code, to change the criteria for a county to be eligible for a grant from the Transportation Infrastructure Fund (TIF) and change the methodology for determining the distribution of TIF grants among the eligible counties. The bill would repeal provisions that require a county to provide an amount of matching funds to be eligible to receive a TIF grant.

Based on the analysis of the Texas Department of Transportation and the Railroad Commission, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agencies' existing resources.

**Local Government Impact**

The Texas Association of Counties anticipates a positive fiscal impact in some counties and a negative fiscal impact in other counties by prioritizing grants in some areas at the expense of other parts of the state. However, the impact to individual counties cannot be determined at this time.

**Source Agencies:**        304 Comptroller of Public Accounts, 455 Railroad Commission, 601  
Department of Transportation, 608 Department of Motor Vehicles

**LBB Staff:** WP, TG, JGAn, AF



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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 16, 2019**

**TO:** Honorable Terry Canales, Chair, House Committee on Transportation

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB4280** by Morrison (Relating to funding for counties for transportation infrastructure projects located in areas of the state affected by increased oil and gas production.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend provisions in Subchapter C, Chapter 256 of the Transportation Code, to change the criteria for a county to be eligible for a grant from the Transportation Infrastructure Fund (TIF) and change the methodology for determining the distribution of TIF grants among the eligible counties. The bill would take effect on September 1, 2019.

The Texas Department of Transportation (TxDOT) reports that all current TIF grant funding from appropriations made by the Eighty-third Legislature, 2013, has been awarded to eligible counties based on criteria established under current law. The changes in the bill would apply to any new grant funding made available on or after the effective date of the legislation. Based on the information provided by TxDOT, the Department of Motor Vehicles, and the Railroad Commission, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agencies' existing resources.

**Local Government Impact**

The Texas Association of Counties anticipates a positive fiscal impact in some counties and a negative fiscal impact in other counties by prioritizing grants in some areas at the expense of other parts of the state. However, the impact to individual counties cannot be determined at this time.

**Source Agencies:**     455 Railroad Commission, 601 Department of Transportation, 608  
   Department of Motor Vehicles

**LBB Staff:** WP, JGAn, TG, AF