

House Bill 4280
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

SECTION 2. Section 256.104(a), Transportation Code, is amended to read as follows:

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

(1) provide the road condition report described by Section 251.018 made by the county for the previous year; and

(2) submit to the department a plan that:

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

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

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

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

No equivalent provision. SECTION 2. [Deleted by FA1]

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

Sec. 256.107. COMPETITIVE BIDDING REQUIRED FOR CONTRACTS FUNDED BY GRANTS. (a) Except as otherwise provided by law, a county that enters into a contract for a transportation infrastructure project that involves

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construction or maintenance of roads and is funded by a grant under this subchapter shall:

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

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

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

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

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

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

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

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

No equivalent provision. SECTION 4. [Deleted by FA1]

SECTION 5. Same as House version.

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

SECTION 6. Same as House version.