1-1 By: Morrison, et al. (Senate Sponsor - Flores)   H.B. No. 4280
1-2   (In the Senate - Received from the House May 8, 2019;
1-3 May 10, 2019, read first time and referred to Committee on
1-4 Transportation; May 13, 2019, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 13, 2019, sent to printer.)

1-6   COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Nichols	X			
1-9	Hancock	X			
1-10	Alvarado	X			
1-11	Hinojosa	X			
1-12	Kolkhorst	X			
1-13	Perry	X			
1-14	Rodríguez	X			
1-15	Schwertner			X	
1-16	West	X			

1-17   A BILL TO BE ENTITLED
1-18   AN ACT

1-19 relating to the grant program distributing money from the
1-20 transportation infrastructure fund.
1-21   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-22   SECTION 1. Sections 256.103(a) and (b), Transportation
1-23 Code, are amended to read as follows:
1-24   (a) The department shall develop policies and procedures to
1-25 administer a grant program under this subchapter to make grants to
1-26 counties only for transportation infrastructure projects located
1-27 in areas of the state affected by increased oil and gas
1-28 production. The department may adopt rules to implement this
1-29 subchapter.
1-30   (b) Grants distributed during a fiscal year must be
1-31 allocated among counties as follows:
1-32   (1) 10 [20] percent according to weight tolerance
1-33 permits, determined by the ratio of weight tolerance permits issued
1-34 in the preceding fiscal year for the county to the total number of
1-35 weight tolerance permits issued in the state in that fiscal year, as
1-36 determined by the Texas Department of Motor Vehicles;
1-37   (2) 20 percent according to oil and gas production
1-38 taxes, determined by the ratio of oil and gas production taxes
1-39 collected by the comptroller in the preceding fiscal year in the
1-40 county to the total amount of oil and gas production taxes collected
1-41 in the state in that fiscal year, as determined by the comptroller;
1-42   (3) 45 [50] percent according to horizontal well
1-43 completions, determined by the ratio of horizontal well completions
1-44 in the preceding fiscal year in the county to the total number of
1-45 horizontal well completions in the state in that fiscal year, as
1-46 determined by the Railroad Commission of Texas; [and]
1-47   (4) 10 percent according to the volume of oil and gas
1-48 waste injected, determined by the ratio of the volume of oil and gas
1-49 waste injected in the preceding fiscal year in the county to the
1-50 total volume of oil and gas waste injected in the state in that
1-51 fiscal year, as determined by the Railroad Commission of Texas; and
1-52   (5) 15 percent according to vertical well completions,
1-53 determined by the ratio of vertical well completions in the
1-54 preceding fiscal year in the county to the total number of vertical
1-55 well completions in the state in that fiscal year, as determined by
1-56 the Railroad Commission of Texas.
1-57   SECTION 2. Section 256.104(a), Transportation Code, is
1-58 amended to read as follows:
1-59   (a) In applying for a grant under this subchapter, the
1-60 county shall:
1-61   (1) provide the road condition report described by

2-1 Section 251.018 made by the county for the previous year; and
2-2   (2) submit to the department a plan that:
2-3   (A) provides   a   list   of   transportation
2-4 infrastructure projects to be funded by the grant;
2-5   (B) describes the scope of the transportation
2-6 infrastructure project or projects to be funded by the grant using
2-7 best practices for prioritizing the projects; and
2-8   (C) [provides for matching funds as required by
2-9 Section 256.105; and
2-10   [(D)] meets any other requirements imposed by the
2-11 department.
2-12   SECTION 3. Subchapter C, Chapter 256, Transportation Code,
2-13 is amended by adding Sections 256.107 and 256.108 to read as
2-14 follows:
2-15   Sec. 256.107. COMPETITIVE BIDDING REQUIRED FOR CONTRACTS
2-16 FUNDED BY GRANTS. (a) Except as otherwise provided by law, a county
2-17 that enters into a contract for a transportation infrastructure
2-18 project that involves construction or maintenance of roads and is
2-19 funded by a grant under this subchapter shall:
2-20   (1) advertise for bids for the contract in a manner
2-21 prescribed by law;
2-22   (2) receive   competitive   bids   for   the   contract,
2-23 publicly open the bids, and read aloud the names of the bidders and
2-24 their bids; and
2-25   (3) award the contract to the lowest responsible
2-26 bidder.
2-27   (b) In advertising for bids under Subsection (a), a county
2-28 shall prepare a request for competitive bids that includes
2-29 construction documents, estimated budget, project scope, estimated
2-30 project completion date, and other information that a bidder may
2-31 require to submit a bid.
2-32   (c) Not later than the seventh day after the date a contract
2-33 described by Subsection (a) is awarded, the county that awarded the
2-34 contract shall document the basis of its selection and shall make
2-35 the evaluations public.
2-36   Sec. 256.108. PERIOD FOR SPENDING GRANT. A grant awarded
2-37 under this subchapter must be spent not later than the fifth
2-38 anniversary of the date of the award.
2-39   SECTION 4. Section 256.105, Transportation Code, is
2-40 repealed.
2-41   SECTION 5. Section 256.107, Transportation Code, as added
2-42 by this Act, applies only to a contract entered into on or after the
2-43 effective date of this Act. A contract entered into before the
2-44 effective date of this Act is governed by the law in effect on the
2-45 date the contract was entered into, and the former law is continued
2-46 in effect for that purpose.
2-47   SECTION 6. This Act takes effect September 1, 2019.

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