

## **BILL ANALYSIS**

Senate Research Center  
84R13268 MTB-F

S.B. 1788  
By: Uresti  
Transportation  
3/31/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Office of the Attorney General (OAG), in opinion KP-0004, communicated that county energy transportation reinvestment Zones (CETRZs) could not be formed without a constitutional amendment.

After discussions with the Texas Association of Counties, OAG, and several attorneys associated with various counties and stakeholder groups, there is an understanding that a statutory fix may alleviate OAG concerns. S.B. 1788 contains the statutory language to address the concerns of KP-0004, changing the area in which infrastructure projects may be carried out from the zone to the county.

As proposed, S.B. 1788 amends current law relating to county energy transportation reinvestment zones.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 222.1071(b), (f), (i), and (m), Transportation Code, as follows:

(b) Authorizes a county, after determining that an area is affected because of oil and gas exploration and production activities and would benefit from funding under Chapter 256 (Funds and Taxes for County Roads), by order or resolution of the commissioners court to designate a contiguous geographic area in the jurisdiction of the county to be a county energy transportation reinvestment zone to promote one or more transportation infrastructure projects, as that term is defined by Section 256.101 (Definitions), located in the county, rather than the zone.

(f) Changes a reference to zone to counties.

(i) Authorizes the county to use money in the tax increment account to provide funding for one or more transportation infrastructure projects located in the county, rather than zone, and to apply for grants under Subchapter C (Transportation Infrastructure Fund), Chapter 256, rather than under Subchapter C, Chapter 256, subject to Section 222.1072 (Advisory Board of County Energy Transportation Reinvestment Zone).

(m) Authorizes the commissioners court of a county to enter into an agreement with the Texas Department of Transportation to designate a county energy transportation reinvestment zone under this section for a specified transportation infrastructure project involving a state highway located in the county, rather than proposed zone.

SECTION 2. Amends Section 222.1072(a), Transportation Code, as follows:

(a) Authorizes a county to create an advisory board to advise the county on the establishment, administration, and expenditures of a county energy transportation

reinvestment zone. Requires the county commissioners court to determine the terms and duties of the advisory board members. Deletes existing text providing that a county is eligible to apply for a grant under Subchapter C, Chapter 256, if the county creates an advisory board to advise the county on the establishment, administration, and expenditures of a county energy transportation reinvestment zone.

SECTION 3. Effective date: September 1, 2015.