

1-1 By: Armbrister S.B. No. 1937
1-2 (In the Senate - Filed April 30, 2003; May 1, 2003, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 6, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 6, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1937 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the apportionment of municipal infrastructure costs to
1-11 developers.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter Z, Chapter 212, Local Government
1-14 Code, is amended by adding Section 212.904 to read as follows:

1-15 Sec. 212.904. APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE
1-16 COSTS. (a) If a municipality requires as a condition of approval

1-17 for a development project that the developer bear a portion of the
1-18 costs of municipal infrastructure improvements, the developer's
1-19 portion of the costs may not exceed the amount required for
1-20 infrastructure improvements that are directly attributable to the
1-21 proposed development as certified by a professional engineer who
1-22 holds a license issued under Chapter 1001, Occupations Code, and is
1-23 retained by the municipality.

1-24 (b) A developer that disputes the certification made under
1-25 Subsection (a) may appeal to the governing body of the
1-26 municipality. At the appeal, the developer may present evidence
1-27 and testimony under procedures adopted by the governing body.
1-28 After hearing any testimony and reviewing the evidence, the
1-29 governing body shall make a determination.

1-30 (c) A developer may appeal the determination of the
1-31 governing body to a county or district court of the county in which
1-32 the development project is located.

1-33 (d) A municipality may not require a developer to waive the
1-34 right of appeal authorized by this section as a condition of issuing
1-35 consent for a development project.

1-36 SECTION 2. The change in law made by this Act applies only
1-37 to municipal approval of a development project that occurs on or
1-38 after the effective date of this Act.

1-39 SECTION 3. This Act takes effect immediately if it receives
1-40 a vote of two-thirds of all the members elected to each house, as
1-41 provided by Section 39, Article III, Texas Constitution. If this
1-42 Act does not receive the vote necessary for immediate effect, this
1-43 Act takes effect September 1, 2003.

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