

1-1 By: Talton (Senate Sponsor - Armbrister) H.B. No. 1835
1-2 (In the Senate - Received from the House April 28, 2005;
1-3 April 29, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 17, 2005, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 17, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1835 By: Wentworth

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

1-10 relating to the apportionment of municipal infrastructure costs in
1-11 regard to certain property development projects.

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 property development project that the developer bear a
1-18 portion of the costs of municipal infrastructure improvements
1-19 beyond the municipality's minimum adopted standards for on-site
1-20 development by the making of dedications, the payment of fees,
1-21 and/or the payment of construction costs, the developer's portion
1-22 of the costs may not exceed the amount required for infrastructure
1-23 improvements that are roughly proportionate to the proposed
1-24 development as approved by a professional engineer who holds a
1-25 license issued under Chapter 1001, Occupations Code, and is
1-26 retained by the municipality.

1-27 (b) A developer who disputes the determination made under
1-28 Subsection (a) may appeal to the governing body of the
1-29 municipality. At the appeal, the developer may present evidence
1-30 and testimony under procedures adopted by the governing body.
1-31 After hearing any testimony and reviewing the evidence, the
1-32 governing body shall make the applicable determination within 30
1-33 days following the final submission of any testimony or evidence by
1-34 the developer.

1-35 (c) A developer may appeal the determination of the
1-36 governing body to a county or district court of the county in which
1-37 the development project is located within 30 days of the final
1-38 determination by the governing body.

1-39 (d) A municipality may not require a developer to waive the
1-40 right of appeal authorized by this section as a condition of
1-41 approval for a development project.

1-42 (e) The prevailing party in an appeal under this section is
1-43 entitled to applicable costs and to reasonable attorney's fees,
1-44 including expert witness fees.

1-45 (f) This section does not diminish the authority or modify
1-46 the procedures specified by Chapter 395.

1-47 SECTION 2. The change in law made by this Act applies only
1-48 to municipal approval of a development project that occurs on or
1-49 after the effective date of this Act.

1-50 SECTION 3. This Act takes effect immediately if it receives
1-51 a vote of two-thirds of all the members elected to each house, as
1-52 provided by Section 39, Article III, Texas Constitution. If this
1-53 Act does not receive the vote necessary for immediate effect, this
1-54 Act takes effect September 1, 2005.

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