

By: Schwertner

S.B. No. 1510

A BILL TO BE ENTITLED

AN ACT

relating to the apportionment of infrastructure costs in regard to certain property development projects.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.904(a), Local Government Code, is amended to read as follows:

(a) If a municipality requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

SECTION 2. Subchapter E, Chapter 232, Local Government Code, is amended by adding Section 232.110 to read as follows:

Sec. 232.110. APPORTIONMENT OF COUNTY INFRASTRUCTURE COSTS. (a) If a county requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of county infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the

1 developer's portion of the costs may not exceed the amount required
2 for infrastructure improvements that are roughly proportionate to
3 the proposed development as approved by a professional engineer who
4 holds a license issued under Chapter 1001, Occupations Code, and is
5 retained by the county.

6 (b) A developer who disputes the determination made under
7 Subsection (a) may appeal to the commissioners court of the county.
8 At the appeal, the developer may present evidence and testimony
9 under procedures adopted by the commissioners court. After hearing
10 any testimony and reviewing the evidence, the commissioners court
11 shall make the applicable determination within 30 days following
12 the final submission of any testimony or evidence by the developer.

13 (c) A developer may appeal the determination of the
14 commissioners court to a county or district court of the county in
15 which the development project is located within 30 days of the
16 final determination by the commissioners court.

17 (d) A county may not require a developer to waive the right
18 of appeal authorized by this section as a condition of approval for
19 a development project.

20 (e) A developer who prevails in an appeal under this section
21 is entitled to applicable costs and to reasonable attorney's fees,
22 including expert witness fees.

23 (f) This section does not diminish the authority or modify
24 the procedures specified by Chapter 395.

25 SECTION 3. Subchapter C, Chapter 161, Utilities Code, is
26 amended by adding Section 161.126 to read as follows:

27 Sec. 161.126. APPORTIONMENT OF INFRASTRUCTURE COSTS. (a)

1 If an electric cooperative requires as a condition of approval for a
2 property development project that the developer bear a portion of
3 the costs of infrastructure improvements by the making of
4 dedications, the payment of fees, or the payment of construction
5 costs, the developer's portion of the costs may not exceed the
6 amount required for infrastructure improvements that are roughly
7 proportionate to the proposed development as approved by a
8 professional engineer who holds a license issued under Chapter
9 1001, Occupations Code, and is retained by the electric
10 cooperative.

11 (b) A developer who disputes the determination made under
12 Subsection (a) may appeal to the board. At the appeal, the
13 developer may present evidence and testimony under procedures
14 adopted by the board. After hearing any testimony and reviewing the
15 evidence, the board shall make the applicable determination within
16 30 days following the final submission of any testimony or evidence
17 by the developer.

18 (c) A developer may appeal the determination of the board to
19 a county or district court of the county in which the development
20 project is located within 30 days of the final determination by the
21 board.

22 (d) An electric cooperative may not require a developer to
23 waive the right of appeal authorized by this section as a condition
24 of approval for a development project.

25 (e) A developer who prevails in an appeal under this section
26 is entitled to applicable costs and to reasonable attorney's fees,
27 including expert witness fees.

1 SECTION 4. The change in law made by this Act applies to the
2 approval of a development project that is not finally adjudicated
3 before the effective date of this Act.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2019.