

1-1 By: Schwertner S.B. No. 1510  
1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 3, 2019, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
1-6 April 3, 2019, sent to printer.)

1-7 COMMITTEE VOTE

|      | Yea        | Nay | Absent | PNV |
|------|------------|-----|--------|-----|
| 1-8  |            |     |        |     |
| 1-9  | Lucio      | X   |        |     |
| 1-10 | Schwertner | X   |        |     |
| 1-11 | Alvarado   | X   |        |     |
| 1-12 | Campbell   | X   |        |     |
| 1-13 | Fallon     | X   |        |     |
| 1-14 | Menéndez   |     | X      |     |
| 1-15 | Nichols    | X   |        |     |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1510 By: Lucio

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

1-19 relating to the apportionment of infrastructure costs in regard to  
1-20 certain property development projects.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section [212.904\(a\)](#), Local Government Code, is  
1-23 amended to read as follows:

1-24 (a) If a municipality requires, including under an  
1-25 agreement under Chapter [242](#), as a condition of approval for a  
1-26 property development project that the developer bear a portion of  
1-27 the costs of municipal infrastructure improvements by the making of  
1-28 dedications, the payment of fees, or the payment of construction  
1-29 costs, the developer's portion of the costs may not exceed the  
1-30 amount required for infrastructure improvements that are roughly  
1-31 proportionate to the proposed development as approved by a  
1-32 professional engineer who holds a license issued under Chapter  
1-33 [1001](#), Occupations Code, and is retained by the municipality.

1-34 SECTION 2. Subchapter E, Chapter [232](#), Local Government  
1-35 Code, is amended by adding Section 232.110 to read as follows:

1-36 Sec. 232.110. APPORTIONMENT OF COUNTY INFRASTRUCTURE  
1-37 COSTS. (a) If a county requires, including under an agreement  
1-38 under Chapter [242](#), as a condition of approval for a property  
1-39 development project that the developer bear a portion of the costs  
1-40 of county infrastructure improvements by the making of dedications,  
1-41 the payment of fees, or the payment of construction costs, the  
1-42 developer's portion of the costs may not exceed the amount required  
1-43 for infrastructure improvements that are roughly proportionate to  
1-44 the proposed development as approved by a professional engineer who  
1-45 holds a license issued under Chapter [1001](#), Occupations Code, and is  
1-46 retained by the county.

1-47 (b) A developer who disputes the determination made under  
1-48 Subsection (a) may appeal to the commissioners court of the county.  
1-49 At the appeal, the developer may present evidence and testimony  
1-50 under procedures adopted by the commissioners court. After hearing  
1-51 any testimony and reviewing the evidence, the commissioners court  
1-52 shall make the applicable determination within 30 days following  
1-53 the final submission of any testimony or evidence by the developer.

1-54 (c) A developer may appeal the determination of the  
1-55 commissioners court to a county or district court of the county in  
1-56 which the development project is located within 30 days of the final  
1-57 determination by the commissioners court.

1-58 (d) A county may not require a developer to waive the right  
1-59 of appeal authorized by this section as a condition of approval for  
1-60 a development project.

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

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

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

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

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