

BILL ANALYSIS

Senate Research Center
80R5798 PAM-D

S.B. 786
By: Wentworth
Education
4/11/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Fast-growth school districts are struggling to keep up with the rapid population growth they are experiencing. The large housing developments being built to support this growth are often planned without giving notice to the school district of the development's construction, and the developments rarely provide the property necessary to build the necessary facilities for new elementary students. These districts cannot adequately plan for increased elementary school student enrollments if they are unaware of the planning of such new developments and do not have land available to build new facilities. The effects of this situation are felt by the children living in these new developments, who must travel farther to attend elementary school.

As proposed, S.B. 786 requires developers of proposed residential developments of 1,000 or more single-family housing units to submit the plat to the school district in which the development is located, and authorizes an impact fee or a requirement of the sale of a portion of the land to be developed to the appropriate school district at fair market value if the commissioner of education determines that there will be a significant increase in elementary school enrollment in that district.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Sections 47.001 and 47.005, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle I, Title 2, Education Code, by adding Chapter 47, as follows:

CHAPTER 47. MITIGATION OF IMPACT OF RESIDENTIAL DEVELOPMENT

Sec. 47.001. ASSESSMENT OR PROPERTY FOR SCHOOL FACILITIES. (a) Requires the developer of a proposed residential development (development) containing 1,000 or more single-family housing units who submits a plat or replat of the development for approval under Chapters 212 (Municipal Regulation of Subdivisions and Property Development) or 232 (County Regulation of Subdivisions), Local Government Code, to simultaneously submit the plat or replat to the school district in which the development is to be located.

(b) (1) Entitles the district in which the development is to be located to assess an impact fee against the developer in an amount determined under Subsection (d) if the commissioner of education (commissioner) determines that the development is likely to significantly increase elementary school student enrollment (enrollment) in the district.

(2) Entitles the district in which the development is to be located to purchase, at fair market value, a percentage of the real property acreage within the development site as determined by the commissioner, if the commissioner determines that the increase in enrollment warrants construction of a new facility to accommodate the increase.

(c) Provides that the commissioner is required to make a determination under Subsection (b) only if requested to do so by the district in which the development is to be built.

(d) Requires the commissioner by rule to adopt a formula for determining the appropriate impact fee under Subsection (b)(1). Requires the commissioner to base the formula on the impact of the anticipated growth in enrollment resulting from a development.

(e) Requires the commissioner, in making a determination regarding acreage under Subsection (b)(2) to provide the district the opportunity to purchase at least 15 acres of land.

Sec. 47.002. **CONDITION OF PLAT APPROVAL OR PERMIT INSURANCE.** Prohibits a county or municipality from granting final approval to or issuing a permit required for a plat or replat of a development under Chapter 212 or 232, Local Government Code, as applicable, unless the developer meets conditions set forth in this section.

Sec. 47.003. **USE OF ASSESSMENT.** (a) Authorizes a school district to use a fee collected under Subsection (b)(1) solely for the construction or expansion of school facilities to accommodate increased enrollment in the district.

(b) Authorizes a district to use land obtained under Section 47.001(b)(2) solely as a location for elementary school facilities.

Sec. 47.004. **REVENUE AND LAND OF DISTRICT.** Provides that any fee or land obtained by this district under Section 47.001 is in addition to any other land or revenue a district is entitled to under this code.

Sec. 47.005. **RULES.** Requires the commissioner to adopt rules necessary to administer this chapter.

SECTION 2. Applies this Act to residential development projects that are finally approved by all appropriate governmental authorities on or after September 1, 2007.

SECTION 3. Effective date: September 1, 2007.