

BILL ANALYSIS

Senate Research Center
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S.B. 688
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Education
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Fast-growth school districts struggle to keep up with the rapid population growth they are experiencing. The large housing developments built to support this growth rarely provide the property necessary to build elementary schools for their residents. The effects of this situation are felt by the children in the new developments who must travel farther to attend elementary school.

As proposed, S.B. 688 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. The developer may be required to offer suitable land for the school district to purchase, for fair market value, if the commissioner of education determines that there will be a significant increase in elementary school enrollment and the increase in enrollment warrants the construction of a new elementary school facility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 48.005, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle I, Title 2, Education Code, by adding Chapter 48, as follows:

CHAPTER 48. MITIGATION OF IMPACT OF RESIDENTIAL DEVELOPMENT

Sec. 48.001. PURCHASE OF PROPERTY FOR SCHOOL FACILITIES. (a) Requires the developer of a proposed residential development containing 1,000 or more single-family housing units who submits a plat or replat of the development or part of the development for approval under Chapters 212 (Municipal Regulation of Subdivisions and Property Development) or 232 (County Regulation of Subdivisions), Local Government Code, as applicable, to simultaneously submit the plat or replat to the school district in which the proposed residential development is located.

(b) Provides that if the commissioner of education (commissioner) determines that a residential development described by Subsection (a) is likely to significantly increase elementary school student enrollment in a school district and that the increase in enrollment warrants the construction of a new elementary school facility to accommodate the increased elementary school population, the district is entitled to purchase, for fair market value, a percentage of the real property acreage within the residential development site, as determined by the commissioner.

(c) Provides that the commissioner is not required to make a determination under Subsection (b) unless requested to do so by the school district in which the proposed residential development is to be built.

(d) Provides that in making a determination regarding the percentage of acreage under Subsection (b), the commissioner is required to provide the district the opportunity to purchase at least 15 acres of land.

Sec. 48.002. **CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE.** Prohibits a county or municipality from granting final approval under Chapters 212 or 232, Local Government Code, as applicable, to a plat or replat of a residential development described by Section 48.001(a) or part of the development or issue permits required for the development described by Section 48.001(a) or part of the development unless the developer presents evidence of having transferred to the school district real property acreage as required by Section 48.001(b) or having received, in writing, from the district a waiver of the district's right to purchase the property as provided by Section 48.001(b).

Sec. 48.003. **USE OF LAND.** Authorizes a school district to use land obtained under Section 48.001(b) only as a location for elementary school facilities.

Sec. 48.004. **DISTRICT LAND.** Provides that any land obtained by a school district under Section 48.001(b) is in addition to any other land to which the district is entitled under this code.

Sec. 48.005. **RULES.** Requires the commissioner to adopt rules necessary to administer this chapter.

SECTION 2. Provides that this Act applies only to a residential development project that is finally approved by all appropriate governmental authorities on or after September 1, 2009.

SECTION 3. Effective date: September 1, 2009.