

By: Van de Putte

S.B. No. 16

A BILL TO BE ENTITLED

AN ACT

relating to certain assessments on residential development in public school districts.

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

SECTION 1. Subtitle I, Title 2, Education Code, is amended by adding Chapter 47 to read as follows:

CHAPTER 47. RESIDENTIAL DEVELOPMENT ASSESSMENT

Sec. 47.001. ASSESSMENT FOR SCHOOL FACILITIES. (a) If the commissioner determines that a residential development is likely to significantly increase student enrollment in a school district, the district is entitled to:

(1) assess an impact fee against the developer in an amount computed using the formula adopted by the commissioner under Subsection (c); or

(2) receive a percentage of the real property acreage within the residential development site, as determined by the commissioner, if the commissioner determines that the increase in student enrollment warrants the construction of a new school facility to accommodate the increased student population.

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

(c) The commissioner shall by rule adopt a formula for

1 determining an appropriate impact fee under Subsection (a)(1). The
2 commissioner must base the formula on the impact of anticipated
3 growth in student enrollment resulting from a planned residential
4 development.

5 Sec. 47.002. CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE.

6 A county or municipality may not grant final approval under Chapter
7 212 or 232, Local Government Code, as applicable, to a plat or
8 replat of a residential development or issue permits required for a
9 residential development unless the developer presents evidence of
10 having:

11 (1) paid or otherwise satisfied the obligation of any
12 applicable development assessment imposed under Section
13 47.001(a)(1); or

14 (2) transferred to the school district real property
15 acreage as required by Section 47.001(a)(2).

16 Sec. 47.003. USE OF ASSESSMENT. (a) A school district may
17 use a fee collected under Section 47.001(a)(1) only for the
18 construction or expansion of school facilities to accommodate
19 increased student enrollment in the district.

20 (b) A school district may use land obtained under Section
21 47.001(a)(2) only as a location for school facilities.

22 Sec. 47.004. REVENUE AND LAND OF DISTRICT. Any fee or land
23 obtained by a school district under Section 47.001 is in addition to
24 any other revenue or land to which the district is entitled under
25 this code.

26 Sec. 47.005. RULES. The commissioner shall adopt rules
27 necessary to administer this chapter.

1 SECTION 2. This Act applies only to a residential
2 development project that is finally approved by all appropriate
3 governmental authorities on or after September 1, 2004.

4 SECTION 3. This Act takes effect September 1, 2004.