

By: Villarreal

H.B. No. 1052

Substitute the following for H.B. No. 1052:

By: McReynolds

C.S.H.B. No. 1052

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). In
2 adopting the formula, the commissioner must:

3 (1) base the formula on the impact of anticipated
4 growth in student enrollment resulting from a planned residential
5 development; and

6 (2) consider recommendations of the advisory
7 committee appointed under Section 47.005.

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

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

14 (1) paid or otherwise satisfied the obligation of any
15 applicable development assessment imposed under Section
16 47.001(a)(1); or

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

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

23 (b) A school district may use land obtained under Section
24 47.001(a)(2) only as a location for school facilities.

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

1 this code.

2 Sec. 47.005. ADVISORY COMMITTEE. The commissioner shall
3 appoint an advisory committee composed of representatives from
4 governmental entities and private organizations that have a
5 demonstrated interest in residential development or school
6 district operation or that would be significantly affected by an
7 assessment under this chapter, including representatives of the
8 Fast Growth School Coalition, the Texas Association of Builders,
9 the Texas Building Branch of the Associated General Contractors of
10 America, and the Texas Association of School Boards. The committee
11 shall provide the commissioner with recommendations regarding:

12 (1) the adoption of the formula under Section 47.001;

13 and

14 (2) other rules related to assessments under this
15 chapter.

16 Sec. 47.006. RULES. The commissioner shall adopt rules
17 necessary to administer this chapter.

18 SECTION 2. This Act applies only to a residential
19 development project that is finally approved by all appropriate
20 governmental authorities on or after September 1, 2003.

21 SECTION 3. This Act takes effect September 1, 2003.