

Amend CSHB 2 in Part C, Article 1 (committee printing, page 16, between lines 42 and 43), by adding the following appropriately numbered sections and renumbering the subsequent sections of Part C, Article 1, accordingly:

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

Sec. 47.002. CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE. A county or municipality may not grant final approval under Chapter 212 or 232, Local Government Code, as applicable, to a plat or replat of a residential development or issue permits required for a residential development unless the developer presents evidence of having:

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

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

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

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

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

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

SECTION 1C.\_\_\_\_. Chapter 47, Education Code, as added by this Act, applies only to a residential development project that is finally approved by all appropriate governmental authorities on or after September 1, 2005.