

By: Paxton

H.B. No. 1233

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) A school district eligible under Section 47.002 may assess an impact fee against the developer of a residential development within the district in an amount not to exceed \$2,000 for each new residence constructed in the development during a three-year period determined by the commissioner if:

(1) the commissioner determines that the development is likely to significantly increase student enrollment in the district; and

(2) the authority to assess the impact fee is approved by a majority vote of the qualified voters at an election held for that purpose in the district.

(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.

Sec. 47.002. ELIGIBLE DISTRICTS. To be eligible to assess

1 an impact fee under Section 47.001, a school district must:

2 (1) be a fast growth district, as determined by the
3 commissioner;

4 (2) assess a maintenance tax at the maximum rate
5 permitted by Section 45.003(d); and

6 (3) assess bond taxes at a rate that prohibits the
7 attorney general from approving additional bonds under Section
8 45.0031.

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

13 Sec. 47.004. DISTRICT REVENUE. Any fee obtained by a school
14 district under Section 47.001 is in addition to any other revenue to
15 which the district is entitled under this code.

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

18 SECTION 2. Chapter 47, Education Code, as added by this Act,
19 applies only to a residential development project that is finally
20 approved by all appropriate governmental authorities on or after
21 September 1, 2005.

22 SECTION 3. This Act takes effect September 1, 2005.