

By: Van de Putte

S.B. No. 638

A BILL TO BE ENTITLED

1 AN ACT

2 relating to allowing a school district to charge an impact fee for
3 certain capital improvements.

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

5 SECTION 1. Chapter 395, Local Government Code, is amended
6 by adding Subchapter E to read as follows:

7 SUBCHAPTER E. CAPITAL IMPROVEMENTS FOR SCHOOL DISTRICTS

8 Sec. 395.151. IMPACT FEE AUTHORIZED. (a) A school district
9 may impose an impact fee only as provided by this subchapter.

10 (b) The other provisions of this chapter apply to a school
11 district imposing an impact fee under this subchapter except that
12 to the extent of any conflict between those provisions and this
13 subchapter, this subchapter controls.

14 Sec. 395.152. SCOPE OF CAPITAL IMPROVEMENTS. (a) For
15 purposes of this subchapter, a capital improvement means only an
16 instructional facility as defined by Section 46.001, Education
17 Code.

18 (b) In preparing a capital improvements plan, a school
19 district may use a person who is experienced in planning and
20 forecasting the growth of school enrollment and the need for and
21 cost of new or expanded instructional facilities instead of a
22 licensed engineer.

23 Sec. 395.153. ADVISORY COMMITTEE. The commissioner of
24 education shall appoint an advisory committee composed of

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

10 (1) the maximum amount of the impact fee per service
11 unit that may be imposed under this subchapter;

12 (2) any changes considered necessary to the method by
13 which the impact fee authorized by this subchapter is calculated;
14 and

15 (3) other rules related to the impact fee authorized
16 under this subchapter that are considered necessary to implement
17 the fee.

18 Sec. 395.154. MAXIMUM IMPACT FEE. (a) The commissioner of
19 education shall by rule adopt the maximum amount of the impact fee
20 per service unit and the method by which the impact fee is
21 calculated after considering the recommendations of the committee
22 under Section 395.153 and after adjusting the recommendations only
23 as the public interest requires. An amount adopted under this
24 subsection takes effect on the first day of the calendar year
25 following adoption of the rule.

26 (b) Until an amount adopted by the commissioner under
27 Subsection (a) takes effect, the maximum impact fee per service

1 unit is the amount determined under Section 395.015, except that no
2 fee may be imposed before January 1, 2008.

3 Sec. 395.155. RULES. The commissioner of education may
4 adopt rules as necessary to implement this subchapter.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.