

By: Wentworth

S.B. No. 786

A BILL TO BE ENTITLED

AN ACT

relating to the mitigation of the impact of 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. MITIGATION OF IMPACT OF RESIDENTIAL DEVELOPMENT

Sec. 47.001. PURCHASE OF PROPERTY FOR SCHOOL FACILITIES.

(a) The developer of a proposed residential development  
containing 1,000 or more single-family housing units who submits a  
plat or replat of the development or part of the development for  
approval under Chapter 212 or 232, Local Government Code, shall  
simultaneously submit the plat or replat to the school district in  
which the proposed residential development is located.

(b) If the commissioner determines that a residential  
development described by Subsection (a) is likely to significantly  
increase elementary school student enrollment in a school district  
and that the increase in enrollment warrants the construction of a  
new elementary school facility to accommodate the increased  
elementary school population, the district is entitled to purchase,  
for fair market value, a percentage of the real property acreage  
within the residential development site, as determined by the  
commissioner.

(c) The commissioner is not required to make a determination

1 under Subsection (b) unless requested to do so by the school  
2 district in which the proposed residential development is to be  
3 built.

4 (d) In making a determination regarding the percentage of  
5 acreage under Subsection (b), the commissioner must provide the  
6 district the opportunity to purchase at least 15 acres of land.

7 Sec. 47.002. CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE.  
8 A county or municipality may not grant final approval under Chapter  
9 212 or 232, Local Government Code, as applicable, to a plat or  
10 replat of a residential development or issue permits required for a  
11 residential development unless the developer presents evidence of  
12 having:

13 (1) transferred to the school district real property  
14 acreage as required by Section 47.001(b); or

15 (2) received, in writing, from the district a waiver  
16 of the district's right to purchase the property as provided by  
17 Section 47.001(b).

18 Sec. 47.003. USE OF LAND. A school district may use land  
19 obtained under Section 47.001(b) only as a location for elementary  
20 school facilities.

21 Sec. 47.004. DISTRICT LAND. Any land obtained by a school  
22 district under Section 47.001 is in addition to any other land to  
23 which the district is entitled under this code.

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

26 SECTION 2. This Act applies only to a residential  
27 development project that is finally approved by all appropriate

1 governmental authorities on or after September 1, 2007.

2 SECTION 3. This Act takes effect September 1, 2007.