

1-1 By: Wentworth S.B. No. 786  
1-2 (In the Senate - Filed February 21, 2007; March 6, 2007,  
1-3 read first time and referred to Committee on Education;  
1-4 April 16, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 16, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 786 By: Zaffirini

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the mitigation of the impact of residential development  
1-11 in public school districts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle I, Title 2, Education Code, is amended  
1-14 by adding Chapter 47 to read as follows:

1-15 CHAPTER 47. MITIGATION OF IMPACT OF RESIDENTIAL DEVELOPMENT

1-16 Sec. 47.001. PURCHASE OF PROPERTY FOR SCHOOL FACILITIES.

1-17 (a) The developer of a proposed residential development  
1-18 containing 1,000 or more single-family housing units who submits a  
1-19 plat or replat of the development or part of the development for  
1-20 approval under Chapter 212 or 232, Local Government Code, shall  
1-21 simultaneously submit the plat or replat to the school district in  
1-22 which the proposed residential development is located.

1-23 (b) If the commissioner determines that a residential  
1-24 development described by Subsection (a) is likely to significantly  
1-25 increase elementary school student enrollment in a school district  
1-26 and that the increase in enrollment warrants the construction of a  
1-27 new elementary school facility to accommodate the increased  
1-28 elementary school population, the district is entitled to purchase,  
1-29 for fair market value, a percentage of the real property acreage  
1-30 within the residential development site, as determined by the  
1-31 commissioner.

1-32 (c) The commissioner is not required to make a determination  
1-33 under Subsection (b) unless requested to do so by the school  
1-34 district in which the proposed residential development is to be  
1-35 built.

1-36 (d) In making a determination regarding the percentage of  
1-37 acreage under Subsection (b), the commissioner must provide the  
1-38 district the opportunity to purchase at least 15 acres of land.

1-39 Sec. 47.002. CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE.

1-40 A county or municipality may not grant final approval under Chapter  
1-41 212 or 232, Local Government Code, as applicable, to a plat or  
1-42 replat of a residential development or issue permits required for a  
1-43 residential development unless the developer presents evidence of  
1-44 having:

1-45 (1) transferred to the school district real property  
1-46 acreage as required by Section 47.001(b); or

1-47 (2) received, in writing, from the district a waiver  
1-48 of the district's right to purchase the property as provided by  
1-49 Section 47.001(b).

1-50 Sec. 47.003. USE OF LAND. A school district may use land  
1-51 obtained under Section 47.001(b) only as a location for elementary  
1-52 school facilities.

1-53 Sec. 47.004. DISTRICT LAND. Any land obtained by a school  
1-54 district under Section 47.001 is in addition to any other land to  
1-55 which the district is entitled under this code.

1-56 Sec. 47.005. RULES. The commissioner shall adopt rules  
1-57 necessary to administer this chapter.

1-58 SECTION 2. This Act applies only to a residential  
1-59 development project that is finally approved by all appropriate  
1-60 governmental authorities on or after September 1, 2007.

1-61 SECTION 3. This Act takes effect September 1, 2007.

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