1-1 By: Wentworth, Van de Putte   S.B. No. 688
1-2   (In the Senate - Filed February 5, 2009; February 23, 2009,
1-3 read first time and referred to Committee on Education;
1-4 May 11, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; May 11, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 688   By: Patrick

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 48 to read as follows:
1-15   CHAPTER 48. MITIGATION OF IMPACT OF RESIDENTIAL DEVELOPMENT
1-16   Sec. 48.001. PURCHASE OF PROPERTY FOR SCHOOL FACILITIES.
1-17 (a) The developer of a proposed residential development
1-18 containing 1,000 or more residential units, including
1-19 single-family residential units and residential units within a
1-20 multi-family dwelling, who submits a plat or replat of the
1-21 development or part of the development for approval under Chapter
1-22 212 or 232, Local Government Code, as applicable, shall
1-23 simultaneously submit the plat or replat to the school district in
1-24 which the proposed residential development is located.
1-25   (b) If the commissioner determines that a residential
1-26 development described by Subsection (a) is likely to significantly
1-27 increase elementary school student enrollment in a school district
1-28 and that the increase in enrollment warrants the construction of a
1-29 new elementary school facility to accommodate the increased
1-30 elementary school population, the district is entitled to purchase,
1-31 for fair market value or a negotiated rate below fair market value,
1-32 a percentage of the real property acreage within the residential
1-33 development site, as determined by the commissioner.
1-34   (c) The commissioner is not required to make a determination
1-35 under Subsection (b) unless requested to do so by the school
1-36 district in which the proposed residential development is to be
1-37 built.
1-38   (d) In making a determination regarding the percentage of
1-39 acreage under Subsection (b), the commissioner must provide the
1-40 district the opportunity to purchase at least 15 acres of land.
1-41   Sec. 48.002. CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE.
1-42 (a) A county or municipality may not grant final approval under
1-43 Chapter 212 or 232, Local Government Code, as applicable, to a plat
1-44 or replat of a residential development described by Section
1-45 48.001(a) or part of the development or issue permits required for
1-46 the development described by Section 48.001(a) or part of the
1-47 development unless the developer presents evidence of having:
1-48   (1) transferred to the school district real property
1-49 acreage as required by Section 48.001(b); or
1-50   (2) received, in writing, from the district a waiver
1-51 of the district's right to purchase the property as provided by
1-52 Section 48.001(b).
1-53   (b) If any other law requires a county or municipality to
1-54 act within a specified period regarding the approval of a plat or
1-55 replat or the issuance of a permit, the period does not begin until
1-56 a developer presents the evidence required by Subsection (a).
1-57   Sec. 48.003. USE OF LAND. A school district may use land
1-58 obtained under Section 48.001(b) only as a location for elementary
1-59 school facilities.
1-60   Sec. 48.004. DISTRICT LAND. Any land obtained by a school
1-61 district under Section 48.001(b) is in addition to any other land to
1-62 which the district is entitled under this code.
1-63   Sec. 48.005. RULES. The commissioner shall adopt rules

2-1 necessary to administer this chapter.
2-2   SECTION 2. This Act applies only to a residential
2-3 development project that is finally approved by all appropriate
2-4 governmental authorities on or after September 1, 2009.
2-5   SECTION 3. This Act takes effect September 1, 2009.

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