

## **BILL ANALYSIS**

Senate Research Center  
82R2704 EAH-D

S.B. 296  
By: Wentworth  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, fast-growth school districts struggle to keep up with the rapid population growth they are experiencing. The large housing developments built to support this growth rarely provide the property necessary to build elementary schools for families. The effects of the situation are felt by the children in the new developments who must travel longer distances to attend elementary school.

Under current law, there is no provision for notice to be given to school districts of planned housing developments, nor is there a provision for purchase of land for new elementary schools to accommodate the new students.

S.B. 296 requires developers of proposed residential developments of 1,000 or more residential units to submit the plat to the school districts in which the development is located. The developer may be required to offer suitable land for purchase, at fair market value or a negotiated rate below fair market value, if the commissioner of education determines that there will be a significant increase in elementary school enrollment.

As proposed, S.B. 296 amends current law relating to the mitigation of the impact of residential development in public school districts.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 47.005, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle I, Title 2, Education Code, by adding Chapter 47, as follows:

#### **CHAPTER 47. MITIGATION OF IMPACT OF RESIDENTIAL DEVELOPMENT**

Sec. 47.001. PURCHASE OF PROPERTY FOR SCHOOL FACILITIES. (a) Requires the developer of a proposed residential development containing 1,000 or more residential units, including single-family residential units and residential units within a multi-family dwelling, who submits a plat or replat of the development or part of the development for approval under Chapter 212 (Municipal Regulation of Subdivisions and Property Development) or 232 (County Regulation of Subdivisions), Local Government Code, as applicable, to provide advance notice of the submission to the school district in which the proposed residential development is located. Requires the developer to provide the notice not later than the 60th day before the date on which the developer submits the plat or replat.

(b) Provides that the district, if the commissioner of education (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, is entitled to purchase, for fair market value or a negotiated rate below fair market

value, a percentage of the real property acreage within the residential development site, as determined by the commissioner, unless the developer has already designated a location for a new elementary school facility within the residential development site on at least 15 acres of land.

(c) Provides that the commissioner is not required to make a determination under Subsection (b) unless requested to do so by the school district in which the proposed residential development is to be built.

(d) Requires the commissioner, in making a determination regarding the percentage of acreage under Subsection (b), to provide the district the opportunity to purchase at least 15 acres of land.

Sec. 47.002. **CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE.** (a) Prohibits a county or municipality from granting final approval under Chapter 212 or 232, Local Government Code, as applicable, to a plat or replat of a residential development described by Section 47.001(a) or part of the development or issue permits required for the development described by Section 47.001(a) or part of the development unless the developer presents evidence of providing the notice required under Section 47.001(a) to the school district.

(b) Provides that, if any other law requires a county or municipality to act within a specified period regarding the approval of a plat or replat or the issuance of a permit, the period does not begin until a developer presents the evidence required by Subsection (a).

Sec. 47.003. **USE OF LAND.** Authorizes a school district to use land obtained under Section 47.001(b) only as a location for elementary school facilities.

Sec. 47.004. **DISTRICT LAND.** Provides that any land obtained by a school district under Section 47.001(b) is in addition to any other land to which the district is entitled under this code.

Sec. 47.005. **RULES.** Requires the commissioner to adopt rules necessary to administer this chapter.

**SECTION 2.** Provides that this Act applies only to a residential development project that is finally approved by all appropriate governmental authorities on or after September 1, 2011.

**SECTION 3.** Effective date: September 1, 2011.