

BILL ANALYSIS

Senate Research Center
78R4140 BDH-D

S.B. 740
By: Van de Putte
Education
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DIGEST AND PURPOSE

Currently, Texas' public school enrollment increases by nearly 59,000 students each year. Most of the growth in school enrollment is concentrated in 100 school districts, and those communities must respond to this rapid growth by building and expanding facilities to accommodate new students. As proposed, S.B. 740 authorizes assessment of impact fees, or allocation of land in lieu of those fees, against developers of a residential project determined to be likely to significantly increase student enrollment in a school district. The fees or land are required to be used for the construction or expansion of school facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 47.001(c) and Section 47.005, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

CHAPTER 47. RESIDENTIAL DEVELOPMENT ASSESSMENT

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

Sec. 47.001. ASSESSMENT FOR SCHOOL FACILITIES. (a) Provides that if the commissioner of education (commissioner) determines that a residential development is likely to significantly increase student enrollment in a school district, then the district is entitled to take certain actions.

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

(c) Requires the commissioner by rule to adopt a formula for determining an appropriate impact fee under Subsection (a)(1). Requires the commissioner to base the formula on the impact of anticipated growth in student enrollment resulting from a planned residential development.

Sec. 47.002. CONDITION OF PLAT APPROVAL OR PERMIT ISSUANCE. Prohibits a county or municipality from granting final approval under Chapter 212 (Municipal Regulation of Subdivisions and Property Development), Local Government Code, or Chapter 232 (County Regulation of Subdivisions), Local Government Code, as applicable to a plat or replat of a residential development or issue permits required for a residential development unless the developer presents evidence of having met certain requirements.

Sec. 47.003. USE OF ASSESSMENT. (a) Authorizes a school district to use a fee collected under Section 47.001(a)(1) only for the construction or expansion of school facilities to accommodate increased student enrollment.

(b) Authorizes a school district to use land obtained under Section 47.001(a)(2) only as a location for school facilities.

Sec. 47.004. REVENUE AND LAND OF DISTRICT. Provides that any fee or land obtained by a school district under Section 47.001 is in addition to any other revenue or land to which the district is entitled under this code.

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

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective: September 1, 2003.