

BILL ANALYSIS

Senate Research Center
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S.B. 883
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes municipalities to charge impact fees for the burden that new developments within their boundaries place on their roads, utilities, and infrastructure. These impact fees are a deterrent to developers in certain areas. These developers may choose to move their development away from areas with such fees. Independent school districts are not able to choose where they develop. Growing school populations brought about by new developments dictate that new schools be built, resulting in incurred impact fees for the school district.

In some instances, impact fees are waived when a municipality and a school district share resources to serve the community by designating facilities as dual use. However, these situations are rare. Impact fees paid by school districts become revenue for municipalities while reducing the funds available to districts for school construction. In addition, impact fees paid by school districts duplicate the impact fees already assessed on new development that brought about the construction of new schools.

As proposed, S.B. 883 exempts independent school districts from impact fees, unless certain conditions are met.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 395.022, Local Government Code, as follows:

Sec. 395.022. AUTHORITY OF POLITICAL SUBDIVISION TO PAY FEES. (a)
Creates this subsection from existing text.

(b) Provides that a school district is not required to pay impact fees imposed under this chapter unless the board of trustees of the district consents to the payment of the fees by entering a contract with the political subdivision imposing the fees. Authorizes the contract to contain terms the board of trustees considers desirable to provide for the payment of the fees.

SECTION 2. Effective date: upon passage or September 1, 2007.