

State of Texas
House of Representatives

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JUN 28 2006

Representative Jim Pitts

EXECUTIVE ADMINISTRATION
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OPINION COMMITTEE
June 21, 2006

JUN 26 2006

ACTION BY Nancy Fuller
COPY TO Ellen White

RQ-0503-GA

The Honorable Greg Abbott
Attorney General, State of Texas
P.O. Box 12548
Austin, TX 78711-2548

FILE # ML-44867-06
I.D. # 44867

**RE: REQUEST FOR ATTORNEY GENERAL OPINION
ARTICLE 11.168 - TEXAS EDUCATION CODE**

Dear General Abbott:

The 79th Legislature passed H.B. 1826 to be effective June 18, 2005. This was codified as Article 11.168 of the Texas Education Code. It is unclear whether the statute prohibits the imposition of impact fees by a municipal corporation to be paid by a school district to help fund required water, sewer and roadways made necessary by proposed new school district facilities.

The second question involves a query whether or not the school district can lease right-of-way for needed water, sewer and roadway improvements which later, after construction, would be dedicated back to the public for maintenance purposes and public use and the lease be terminated.

These questions are being respectfully submitted on behalf of the Ennis Independent School District and the City of Ennis, Texas, and are of extreme importance to school districts across the state.

As background information, the voters, in October, 2005, in the Ennis school district passed a bond election for the district to issue \$89 million in bonds for the construction of a new junior high school and 11th and 12th grade center. The voters approved the proposition with the understanding that some of the bond money would be used for necessary offsite infrastructure which would provide sufficient water, sewer and roadway upgrades and improvements to service the planned new facilities.

I await your opinion on the above referenced matter. Due to the impact your decision will have on the Ennis ISD, I will appreciate an expeditious reply.

Sincerely,

Jim Pitts, Chair
House Appropriations Committee