**South Carolina General Assembly**

118th Session, 2009-2010

**A99, R2, S235**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Rose

Document Path: l:\s-financ\drafting\mtr\001d2im.dag.mtr.docx

Introduced in the Senate on January 13, 2009

Introduced in the House on January 28, 2009

Last Amended on February 5, 2009

Passed by the General Assembly on February 11, 2009

Became law without Governor's signature, February 26, 2009

Summary: Dorchester County

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2009 Senate Introduced, read first time, placed on local & uncontested calendar [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑191

1/14/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\01-14-09.docx)‑9

1/27/2009 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2009\01-27-09.docx)‑25

1/28/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-28-09.docx)‑16

1/28/2009 House Referred to Committee on **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2009\01-28-09.docx)‑16

2/3/2009 House Recalled from Committee on **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2009\02-03-09.docx)‑20

2/5/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\02-05-09.docx)‑20

2/5/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\02-05-09.docx)‑22

2/5/2009 House Unanimous consent for third reading on next legislative day [HJ](file:///h:\HJ%20Archive\2009\02-05-09.docx)‑22

2/6/2009 House Read third time and returned to Senate with amendments [HJ](file:///h:\HJ%20Archive\2009\02-06-09.docx)‑1

2/11/2009 Senate Concurred in House amendment and enrolled [SJ](file:///h:\SJ%20Archive\2009\02-11-09.docx)‑41

2/19/2009 Ratified R 2

2/26/2009 Became law without Governor's signature

3/9/2009 Effective date See Act for Effective Date

7/21/2009 Act No. 99

**VERSIONS OF THIS BILL**

[1/13/2009](file:///p:\pprever\2009-10\235_20090113.docx)

[1/13/2009-A](file:///p:\pprever\2009-10\235_20090113A.docx)

[2/3/2009](file:///p:\pprever\2009-10\235_20090203.docx)

[2/5/2009](file:///p:\pprever\2009-10\235_20090205.docx)

(A99, R2, S235)

**AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES FOR DORCHESTER COUNTY SCHOOL DISTRICT NUMBER TWO TO IMPOSE AN IMPACT FEE ON ANY DEVELOPER FOR EACH NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED BY THE DEVELOPER WITHIN THE SCHOOL DISTRICT, TO PROVIDE THAT THE FUNDS ONLY MAY BE USED FOR THE CONSTRUCTION OF PUBLIC EDUCATION FACILITIES FOR GRADES K‑12 WITHIN THE DISTRICT AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON EXISTING OR NEW BONDS ISSUED BY THE DISTRICT, AND TO PROVIDE THAT THE IMPACT FEE SHALL BE SET AT AN AMOUNT NOT TO EXCEED THE COST THAT EACH ADDITIONAL DWELLING UNIT IMPOSES ON THE SCHOOL DISTRICT FOR PUBLIC EDUCATION FACILITIES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Impact fee authorized**

SECTION 1. (A) The Board of Trustees for Dorchester County School District Number Two may impose an impact fee on any developer for each new residential dwelling unit constructed by the developer within the school district. The fees must be paid to Dorchester County School District Number Two or, pursuant to an agreement, to a county or municipality that pays the fees to Dorchester County School District Number Two, prior to or at the issuance of a certificate of occupancy for a dwelling unit.

(B) Dorchester County School District Number Two shall maintain the impact fee funds in a separate interest bearing account. All interest earned and accruing to the account must become funds of the account and must be subject to all restrictions placed on the use of impact fees pursuant to the provisions of this article. Accounting records must be maintained for each category of system improvements for which the fee is collected.

(C) The Board of Trustees for Dorchester County School District Number Two only may appropriate funds from the account for:

(1) the construction, including preparation costs, of new public education facilities for grades K‑12 within Dorchester County School District Number Two; and

(2) the payment of principal and interest on existing or new bonds issued by Dorchester County School District Number Two for the construction of public education facilities for grades K‑12.

(D) The impact fee may be offset by any other cash payment paid by the developer and obtained by Dorchester County School District Number Two as a result of an agreement between the developer and another governmental entity.

(E) The Board of Trustees of Dorchester County School District Number Two will reexamine the amount of an impact fee being charged a developer upon receipt of a notice of appeal from the developer. If the notice of appeal is accompanied by a letter of credit in a form satisfactory to the board of trustees in an amount equal to the amount of impact fees owed, the new residential development may receive its certificate of occupancy while the appeal is pending.

(F) For purposes of this section, ‘dwelling unit’ means all residential units, including, but not limited to, single family attached, single family detached, duplex, condominium, townhouse, multifamily, apartment, and mobile home, but excluding hotels and motels.

(G) The district’s board of trustees shall set the impact fee at an amount not to exceed two thousand five hundred dollars per dwelling unit.

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor and applies to any new residential construction which has not been issued a certificate of occupancy.

Ratified the 19th day of February, 2009.

Became law without the signature of the Governor -- 2/26/09.

\_\_\_\_\_\_\_\_\_\_