COMMITTEE REPORT

May 6, 2009

**S. 249**

Introduced by Senator Rose

S. Printed 5/6/09--S.

Read the first time January 13, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 249) to amend Chapter 29, Title 6 of the 1976 Code, by adding Section 6‑29‑1153 to provide that a governing body and a local planning commission servicing an area, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

/ SECTION 1. Chapter 29, Title 6 of the 1976 Code is amended by adding:

“Section 6‑29‑1153. (A) A local planning commission shall provide all applications and accompanying materials for land development projects that include residential housing to the superintendent of the school district in which the project is to be located, if the project:

(1) is greater than twenty-five acres in size; or

(2) includes one hundred or more dwelling units.

The planning commission shall determine whether any land development project meets these criteria and shall provide the information at no charge to the superintendent within fifteen business days of receiving the application. The local planning commission and superintendent may agree that the information is to be provided electronically or by some other suitable means.

(B) For purposes of this section,

(1) ‘Dwelling units’ means all residential units, including, but not limited to, single-family attached, single-family detached, duplex, condominium, townhouse, multi‑family, apartment, and mobile home, but excluding hotels and motels.

(2) ‘Superintendent of the school district’ means a superintendent whose school district has been required by law to prepare and submit and obtain proof of delivery to the governing body and to the land planning commission of the county and each municipality within land encompassed by the district a report describing the current and projected status and needs of the district, and which report must include, but not be limited to, the following:

(a) a list of all schools in the district with the number of classrooms, current enrollment, and the enrollment capacity of each school and of the entire district;

(b) the district’s student enrollment over the previous ten years and projected enrollment over the next ten years;

(c) the district’s capital improvement program, including all schools existing, under construction, or planned and plans for funding those schools;

(d) current and projected construction costs for new schools and the cost of mobile classrooms, the causes of any cost increases over previous estimates, and the sources for the information;

(e) the most recent five year history of the audited operating and capital expenditures of the district;

(f) the most recent five year history of the county assessed tax base used for financing purposes in the district;

(g) identification of federal, state, and local laws or regulations which the district recommends be repealed or relaxed to save costs and increase efficiency for the district and an explanation of how the savings and increased efficiency could occur;

(h) a list of additional facilities, teachers, and other resources projected to be necessary to service the additional student population of the district over the next ten years; and

(i) all other information and recommendations by the district regarding how county or municipal governments could help the district better meet its needs and the needs of its students.

(C) The superintendent shall review all land development projects described in subsection (A) received by the district and report the results of that review to the board of trustees of the district. The superintendent and the board of trustees both will determine whether the additional anticipated increase in student population resulting from the land development project will have a substantial impact on the district’s ability to provide services to the additional student population. If either determination is positive, the superintendent and the board shall prepare a report that describes the impact and details the need for additional facilities, teachers, and other resources necessary to service the additional student population. In determining whether a particular project results in a substantial impact, the superintendent and the board shall consider not only the impact of the particular project, but also the aggregate impact of the project with other projects pending at the time the superintendent conducts his review. The report must be provided within thirty days of the district’s receipt of the application to the governing body and to the local planning commission of the applicable county or municipality. However, upon request by the school district to the local planning commission, a fifteen day extension of time to submit the report shall be granted. Failure of the school district to provide the requested report to the local planning commission within any time period prescribed by these provisions shall not delay or otherwise affect any time limits that the local planning commission is required by other existing law to follow*.* The report must be maintained as part of the land development application and made available to the public promptly and, if possible, before any public hearing on the application.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

RAYMOND E. CLEARY III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

None.

**LOCAL GOVERNMENT IMPACT:**

A survey of local governments was conducted to determine the impact of this legislation on local governments. One county responded and indicated that this bill would have an impact. Richland County reported that approximately $52,000 is generated in annual revenue from residential plan review fees. If deadline dates from contractors are missed while school boards are reviewing such plans, state law allows for automatic approval and the review fees are returned. Consequently, the county could lose approximately $40,000 to $60,000 in plan review fees.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND CHAPTER 29, TITLE 6 OF THE 1976 CODE, BY ADDING SECTION 6‑29‑1153 TO PROVIDE THAT A GOVERNING BODY AND A LOCAL PLANNING COMMISSION SERVICING AN AREA IN A HIGH GROWTH COUNTY MUST PROVIDE THE LOCAL SCHOOL DISTRICT LAND DEVELOPMENT APPLICATIONS THAT INCLUDE RESIDENTIAL HOUSING WHICH MEET CERTAIN CRITERIA; AND TO REQUIRE THE SUPERINTENDENT AND BOARD OF TRUSTEES OF THE SCHOOL DISTRICT TO DETERMINE WHETHER A PARTICULAR PROJECT WILL RESULT IN A SUBSTANTIAL IMPACT ON THE DISTRICT’S ABILITY TO PROVIDE SERVICES TO THE ADDITIONAL STUDENT POPULATION AND TO PREPARE A REPORT TO THE GOVERNING BODY AND THE LOCAL PLANNING COMMISSION DETAILING THE IMPACT AND NEED FOR ADDITIONAL RESOURCES.

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

SECTION 1. Chapter 29, Title 6 of the 1976 Code is amended by adding:

“Section 6‑29‑1153. (A) A local planning commission shall provide all applications and accompanying materials for land development projects that include residential housing to the superintendent of the school district in which the project is to be located, if the project:

(1) is greater than twenty‑five acres in size; or

(2) has an anticipated residential population density equal to or greater than the average residential density of all land developments within the boundaries of the district, or both.

The planning commission shall determine whether any land development project meets these criteria and shall provide the information at no charge to the superintendent within five business days of receiving the application. The local planning commission and superintendent may agree that the information is to be provided electronically or by some other suitable means. This section only applies to a county or municipal local planning commission servicing an area within a county that ranked in the top third of population growth in the preceding year as determined by the Office of Research and Statistics of the State Budget and Control Board.

(B) The superintendent shall review all land development projects described in subsection (A) received by the district and report the results of that review to the board of trustees of the district. The superintendent and the board of trustees both will determine whether the additional anticipated increase in student population resulting from the land development project will have a substantial impact on the district’s ability to provide services to the additional student population. If either determination is positive, the superintendent and the board shall prepare a report that describes the impact and details the need for additional facilities, teachers, and other resources necessary to service the additional student population. In determining whether a particular project result in a substantial impact, the superintendent and the board shall consider not only the impact of the particular project but also the aggregate impact of the project with other projects pending at the time the superintendent conducts his review. The report must be provided, within thirty days of the district’s receipt of the application, to the governing body and to the local planning commission of the applicable county or municipality. The report must be maintained as part of the land development application and made available to the public promptly and, if possible, before any public hearing on the application.”

SECTION 2. This act takes effect upon approval by the Governor.

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