RECALLED

February 3, 2009

**S. 235**

Introduced by Senator Rose

L. Printed 2/3/09--H.

Read the first time January 28, 2009.

**A** **BILL**

TO AUTHORIZE THE BOARD OF TRUSTEES FOR DORCHESTER SCHOOL DISTRICT NO. 2 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 MAY ONLY 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:

SECTION 1. (A) The Board of Trustees for Dorchester School District No. 2 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 School District No. 2 or, pursuant to an agreement, to a county or municipality that pays the fees to Dorchester School District No. 2, prior to or at the issuance of a certificate of occupancy for a dwelling unit.

(B) Dorchester School District No. 2 must maintain the impact fee funds in a separate interest bearing account. All interest earned and accruing to the account shall become funds of the account.

(C) The Board of Trustees for Dorchester School District No. 2 may only appropriate funds from the account for:

(1) the construction, including preparation costs, of public education facilities for grades K‑12 within Dorchester School District No. 2, including, but not limited to, schools, offices, classrooms, parking areas, playgrounds, libraries, cafeterias, gymnasiums, health and music rooms, computer and science laboratories, and other facilities considered necessary to the proper public education of the district’s children; and

(2) the payment of principal and interest on existing or new bonds issued by Dorchester School District No. 2 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 School District No. 2 as a result of an agreement between the developer and another governmental entity.

(E) The Board of Trustees of Dorchester School District No. 2 will re‑examine 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, multi‑family, 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 the cost that each additional dwelling unit imposes on the school district for public education facilities.

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.

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