INTRODUCED

January 28, 2009

**S. 326**

Introduced by Senators Davis and Pinckney

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Read the first time January 28, 2009.

**A** **BILL**

TO AUTHORIZE THE BOARD OF EDUCATION FOR THE BEAUFORT COUNTY SCHOOL DISTRICT 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 Education for the Beaufort County School District 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 the Beaufort County School District or, pursuant to an agreement, to a county or municipality that pays the fees to the Beaufort County School District, prior to or at the issuance of a certificate of occupancy for a dwelling unit.

(B) The district 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 may only appropriate funds from the account for:

(1) the construction, including preparation costs, of public education facilities for grades K‑12 within the district, 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 for the proper public education of the district’s children; and

(2) the payment of principal and interest on existing or new bonds issued by the district 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 the district as a result of an agreement between the developer and another governmental entity.

(E) The board 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 board 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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