

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 566
Committee Substitute Favorable 7/3/97
Senate Finance Committee Substitute Adopted 8/14/97

Short Title: Wake Schools Development Charges.

(Local)

Sponsors:

Referred to:

March 20, 1997

A BILL TO BE ENTITLED

1 AN ACT EXEMPTING THE WAKE COUNTY PUBLIC SCHOOL SYSTEM AND
2 QUALIFIED NONPUBLIC SCHOOLS OF WAKE COUNTY FROM
3 DEVELOPMENT CHARGES RELATED TO THE CONSTRUCTION,
4 RENOVATION, AND REPAIR OF SCHOOL INFRASTRUCTURE FACILITIES
5 IN WAKE COUNTY AND THE MUNICIPALITIES THEREIN, AND TO
6 CHANGE SEVERAL OTHER LAWS AFFECTING WAKE COUNTY.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. Notwithstanding any other provision of law, the Wake County
10 Public School System and qualified nonpublic schools of Wake County shall be exempt
11 from development charges assessed by Wake County or any municipality having territory
12 within Wake County where the development charge is assessed against the construction,
13 renovation, or repair of school infrastructure facilities.

14 Section 2. For the purposes of this act:

15 (a) "Development charge" means any:

16 (1) Impact fee, facility fee, development fee, project fee, regulatory fee, or
17 other similar fee assessed in connection with the construction,

- 1 renovation, or repair of a school infrastructure facility where the fee is
2 based on the student seating capacity of the facility.
- 3 (2) Water and sewer acreage fee when the Wake County Public School
4 System or a qualified nonpublic school has installed water and sewer
5 improvements.
- 6 (3) Transportation development fee when the Wake County Public School
7 System or a qualified nonpublic school has installed transportation
8 improvements.
- 9 (4) Utility tap fee.
- 10 (5) Plan review fee.
- 11 (6) Building permit fee.
- 12 (7) Fee to place a mobile classroom unit on property owned by the Wake
13 County Public School System or qualified nonpublic school.

14 (b) "School infrastructure facility" means any building, structure, or other
15 facility used or to be used by the Wake County Public School System or qualified
16 nonpublic school for instructional, administrative, or maintenance purposes. The term
17 includes mobile classroom units.

18 (c) "Qualified nonpublic school" means a school having an enrollment of 20 or
19 more students, and that has one or more of the characteristics set out in G.S. 115C-555.

20 Section 3. Chapter 279 of the 1989 Session Laws of North Carolina is
21 repealed.

22 Section 4. Section 4 of Chapter 441 of the 1995 Session Laws reads as
23 rewritten:

24 "**Sec. 4.** This act is effective upon ratification. ~~This act shall sunset July 1, 1997.~~"

25 Section 5. G.S.90-95.3(b) reads as rewritten:

26 "(b) When any person is convicted of an offense under this Article, the court may
27 order him to make restitution in the sum of one hundred dollars (\$100.00) to the State of
28 North Carolina or to a unit of local government for the expense of analyzing any
29 controlled substance possessed by him or his agent as part of an investigation leading to
30 his conviction. Any funds received under this subsection shall be deposited in the
31 ~~General Fund—Fund,~~ or with a unit of local government if it provided the controlled
32 substance analysis."

33 Section 6. Sections 1 and 2 of this act become effective when they become law
34 and apply to Wake County Public School System or Wake County qualified nonpublic
35 school construction, renovation, and repair projects for which a building permit is issued
36 on or after that date. Any valid development charge that accrued prior to the effective
37 date of this act on a project for which a building permit was issued prior to the effective
38 date of this act shall remain valid and payable by the school system or school.

39 Section 7. Sections 3, 4, 5, and 7 of this act apply only to Wake County.
40 Section 4 of this act is effective retroactively from July 1, 1997. Sections 3, 5, and 7 of
41 this act become effective when they become law. Any process served pursuant to Chapter
42 441 of the 1995 Session Laws from July 1, 1997, until the date this act becomes law is
43 validated by this act.