

GENERAL ASSEMBLY OF NORTH CAROLINA  
1997 SESSION

S.L. 1997-450  
HOUSE BILL 566

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

The General Assembly of North Carolina enacts:

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

Section 2. For the purposes of this act:

(a) "Development charge" means any:

- (1) Impact fee, facility fee, development fee, project fee, regulatory fee, or other similar fee assessed in connection with the construction, renovation, or repair of a school infrastructure facility where the fee is based on the student seating capacity of the facility.
- (2) Water and sewer acreage fee when the Wake County Public School System or a qualified nonpublic school has installed water and sewer improvements.
- (3) Transportation development fee when the Wake County Public School System or a qualified nonpublic school has installed transportation improvements.
- (4) Utility tap fee.
- (5) Plan review fee.
- (6) Building permit fee.
- (7) Fee to place a mobile classroom unit on property owned by the Wake County Public School System or qualified nonpublic school.

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

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

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 Chapter 279 of the 1989 Session Laws of North Carolina is repealed.

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

"Sec. 4. This act is effective upon ratification. This act expires September 1, 1997, but any summons issued before that date and served under the provisions of this act shall be valid."

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

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

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

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

In the General Assembly read three times and ratified this the 28th day of August, 1997.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ Harold J. Brubaker  
Speaker of the House of Representatives