



SPONSOR: Sen. Vaughn & Rep. Ennis
Sen. Simpson

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 19
AS AMENDED BY
HOUSE AMENDMENT NOS. 1,3 & 4

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL CONSTRUCTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Title 14 of the Delaware Code by adding a new Section 2006 to read as follows:

“2006. Subdivision Impact and Permit Fees.

(a) Notwithstanding any law, rule, ordinance, or charter provision to the contrary, no county or municipality is permitted to assess permit fees, impact fees, or other assessments on a school district for any school construction project. This section does not prohibit a political subdivision from charging utility fees for usage of such utility provided the rate is no higher than that of other properties within the political subdivision nor shall this Section prohibit the charging of a surcharge relating to building permit construction value to provide funding for volunteer fire or ambulance companies.

(b) For the purposes of this Section:

(1) ‘Impact fees’ or ‘other assessments’ shall not include any fee assessed for maintaining or increasing water supply, wastewater transmission line capacity, or wastewater facility capacity.

(2) ‘Permit fees’ or ‘other assessments’ shall not include a fee or assessment to reimburse the jurisdiction for the approximate and reasonable cost to inspect and enforce applicable building, zoning, water, and wastewater codes or ordinances.

(c) Arbitration procedure:

(1) If a school district disagrees with the reasonableness of fees imposed and subject to this section, a right to an arbitration procedure in front of a three (3) member panel is hereby established. The municipality or county and the school district shall each choose a member of the panel, and the third

member shall be chosen by agreement of the remaining members of the panel and shall chair the panel.

The decision of this panel shall be final and binding on the parties.

(2) For the purposes of this section, it shall be reasonable to base a fee upon the actual cost incurred, and 10% administrative support costs to provide the service.”