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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

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House Week in Review

The final week in February was a full one for the House of Representatives as it set two bills for special order, heard the annual address by the Chief Justice of the State Supreme Court, and approved a proposal to help the financially-troubled Patriot's Point Development Authority.

Special Orders

The House voted Wednesday to set two bills for special order consideration. These were S.710, which proposes new regulations for child care facilities, and H.4246, legislation that would limit the amount of infectious waste that commercial waste incinerators could burn in South Carolina. Under the House resolution, consideration of H.4246 would follow House action on S.710.

Under special order to take up the bill, the House gave second and third reading to S.710 last week, although the bill prompted a number of amendments and debate. As amended by the House, this Senate bill would:

- Establish statewide minimum standards for all child day care facilities, licensing for day care centers and group day care homes, and registration of family day care homes and church/religious facilities.
- Create an independent statewide board to oversee child day care regulation, removing the process from DSS. The State Board for Regulation of Child Day Care Facilities would be made up of 13 members appointed by the governor. As amended by the House, this board would include three parent representatives and one representative each from a for-profit child care facility, a non-profit child care facility, an independent Bible church facility, a denominational church facility, a public child care facility, a group day care home, a family day care home, an educator, pediatrician, and a business representative. One of these representatives would have to be from a low income family, and no more than five members could represent church-related facilities or homes.

- Require prospective day care employees to undergo both SLED and FBI checks. Persons with criminal records could not be hired. The SLED checks would be provided at no cost to the facility.
- The board would oversee biennial inspections of all facilities, and spot checks upon complaint. The board will develop regulations for child-staff ratios for all facilities. Training plans for teachers would have to be submitted to the board. The board could charge fees for its operation.
- While the board would have the authority to oversee physical safety and minimum care standards, it would have no authority over religious instruction or teaching.

On Thursday, the House voted 105-5 to give the Child Care bill a second reading and approved its third reading for Friday. The bill now will return to the Senate for consideration of the House amendments.

State of the Judiciary

At a joint assembly on Wednesday, State Supreme Court Chief Justice George T. Gregory Jr. gave the annual address on the state of the judiciary. Chief Justice Gregory noted a number of accomplishments:

- The work of the now operational statewide grand jury, which to date has resulted in 110 indictments for drug trafficking and 40 convictions;
- The continued processing of statewide child support collections, which topped the \$100 million mark;
- Lay participation in the disciplinary process of judges and lawyers;
- Development of the South Carolina Appellate Court rules.

Justice Gregory also complimented the work of the Joint Legislative Judicial Screening Committee, making note of its new procedures, evaluative criteria and background disclosures.

This progress, however, has been tempered by other concerns, he said. Passage of the Omnibus Crime Bill, increased drug and DUI cases, the potential impact of Hurricane Hugo on civil litigation, death penalty cases, Statewide Grand Jury proceedings and the growth of complex civil cases have had an impact on the state's judiciary, the Chief Justice said, prompting the need for nine new circuit court judges.

According to Gregory, the last time the number of judges were increased was 1979, when the number of circuit judges rose from 25 to 31. He noted the House has passed a bill creating the nine new circuit judgeships. The legislation is now pending before the Senate Judiciary Committee.

Patriot's Point

The beleaguered Patriot's Point Development Authority got a boost Thursday when the House unanimously approved an amendment to S.699, to assist the Charleston tourist attraction in getting back on its financial feet. Highlights of the amendment include:

- The current 9-member board would be abolished and replaced by a 5-member board. Three of the new board members would be appointed by the governor; two others would be gubernatorial appointees recommended by the House Speaker and Ways and Means Committee chairman for one, and the Senate President Pro Tempore and the Senate Finance Committee chairman for the other. Of the current authority board, six are appointed by their resident congressman, two by the state's U.S. Senators and one by the governor.
- The board's power to issue bonds would be eliminated. However, with the approval of the State Budget and Control Board, the board could borrow money and make and issue negotiable notes.
- \$6 million would be transferred by the Budget and Control Board to the Patriot's Point Authority from an economic development fund of the S.C. Coordinating Council for Economic Development. The transfer would be a three-year interest free loan. The \$6 million loan, together with \$4 million in authority assets frozen by the federal Bankruptcy Court, would allow the authority to participate in any court-approved settlement in connection with the collapsed development of a hotel and marina complex. The loan also could be used to assist the authority with operating expenses.
- By Jan. 1, 1994, the authority must report back to the General Assembly and the governor a detailed status report of development activities at the attraction, the financial condition of the authority, and recommendations for legislation to assure the permanent status of the Patriot's Point Naval and Maritime Museum.

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- None of these provisions will take effect until all claims and litigation brought against the Patriot's Point Development Authority, in connection with the hotel and marina development, have been settled or disposed of to the satisfaction of the governor and the Budget and Control Board, as evidenced by written resolution by the board. At that time, the terms of the current authority members will expire, and the new members will take office.

S.699, as amended by the House, now returns to the Senate for concurrence with the House amendment.

Other Bills

The House also gave third reading to H.3169, legislation that would limit the amount of hazardous waste being landfilled in South Carolina. The bill now goes to the Senate for consideration.

Also, objections to S.1080, which would allow inmate labor on public projects, placed it on the House contested calendar.

Bills Introduced

Here is a sampling of bills introduced in the House during the past week. Not all the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.

Agriculture and Natural Resources Committee

New Mining Regulations (S.1268, Senate Agriculture and Natural Resources Committee). This legislation would repeal the current state Mining Act, replacing it with a revised code section. Although much of the new bill parallels the current Mining Act, the legislation would clarify and expand the parameters of the state's mining law.

Under this bill, the South Carolina Land Resources Conservation Commission would be responsible for administering the provisions and requirements of the revised law. This would include the issuing of mining permits, review and approval of reclamation plans, collection of reclamation performance bonds, the conducting of environmental appraisals, providing technical assistance to mining operators and the public, and conducting research and inspections.

The definition of a reclamation plan would be expanded to include two new provisions: Proposed methods to limit significant adverse effects on adjacent surface water and groundwater resources, and proposed methods to limit significant adverse effects on significant cultural or historic sites.

Further, the legislation would add provisions that would address what must be done in connection with mining exploration projects, including the issuing of a certificate of exploration by the commission, which would require a performance bond.

Under this legislation, the commission would be able to issue a notice of uncorrected violations. Like other violations currently in the law, these uncorrected violations also would result in penalties, if not resolved.

In addition, the commission would be required to give better public notice to parties interested in the permitting process. It would be able to assess and collect fees to assist in covering the administrative costs of enforcing the new law.

The amount of the bonds required would increase. Certificates of exploration would require a \$2,500 bond. For an operating permit, if the site was less than 10 acres, the bond would be \$10,000; between 10 and 15 acres, \$15,000; 15 or more acres, \$25,000. If the area is greater than 25 acres, a bond above \$25,000 could be required. Each annual report from a mining operation would require an annual operating fee to be paid to the commission.

The first notification of uncorrected violations would require a fee of \$250; for subsequent notices, the fee would be \$500. The fees could be appealed to the Mining Council.

The bill would authorize the commission to issue a cease and desist order if it finds an exploration or mining project operating without a permit, or an operation that is not complying with reclamation requirements. In addition, the commission could seek a restraining order. A civil penalty of \$1,000 a day also could be assessed by the commission.

Education and Public Works Committee

Registration Fee for Senior Citizens (H.4737, Rep. R. Brown). The current law allows citizens 65-years-old or older to pay \$10 instead of \$15 for annually registering their private passenger-carrying vehicles. This legislation would extend that fee reduction to property carrying vehicles of 5,000 pounds or less belonging to senior citizens.

License Plate Designs (H.4739, Rep. Rama). More repercussions from the new bird license plates. Under this bill, the State Highway Department would be required to submit license plate design changes to the Senate Transportation and House Education and Public Works committees for a majority vote of approval. Additionally, the design would have to be approved by the both houses of the General Assembly by a joint resolution.

New License for the Over 21 Set (H.4748, Rep. T. Rogers). Any young adult, upon reaching his or her 21st birthday, could have a new driver's license issued by the State Highway Department for \$5 if their own licenses are stamped with the "Under 21" designation.

A State Flag Poem (H.4753, Rep. J.C. Johnson). This legislation proposes designating a poem by Mrs. Sarah W. Duvall of Greenwood as the official poem of the South Carolina state flag. The verse, entitled "South Carolina's Flag," goes like this:

Seven British warships were ready to attack
But Colonel William Moultrie and his men held them back.
Two hundred seventy-five guns
Their shot toward the fort did send
Those shots sank into the palmetto-logs
That didn't even bend.
Cannon after cannon shot upon that sturdy fort
But the men in their blue uniforms would not give up the
port.

On that day in Charleston our flag became to be
A field of blue, a silver crescent and a Palmetto tree.

Car Inspection Fee Increased (S.42, Sen. Fielding). Under this legislation, service stations would be allowed to charge up to \$5 for each vehicle they inspected under the state vehicle inspection law. In addition, the station could charge an additional dollar for issuing the inspection certificate. The bill also would add inspection and compliance with the state's new sunscreen law to the annual inspection. In addition, for vehicles under 5-years-old, the inspection must determine whether the emissions control systems are intact. Cracked or broken windshields that do not obstruct the driver's view would not be considered unsafe for purposes of a vehicle inspection.

Fines for violating the vehicle inspection law would be lowered to \$25, under the bill. And a warning ticket only would be issued for vehicles with inspections which are expired 30 days or less.

Fingerprinting of Certified Education Personnel (S.1198, Sen. Setzler). If this bill is enacted into law, all persons applying for initial certification with the State Department of Education would undergo a state fingerprint review conducted by SLED and the FBI. The FBI fee would be paid by the applicant. The cost to SLED, the State Department of Education or any other state agency involved would be paid by the state. The first year cost to the state is estimated at \$101,175; for subsequent years, \$96,175.

Judiciary Committee

Probate Judges' Salaries (H.4749, Rep. Gentry). This legislation would determine the cost of living increases probate judges would receive. Under this proposal, probate judges would receive either the amount of salary increase received by state employees the previous fiscal year or the increase received in the current fiscal year by the county employees, whichever is greater.

Limiting Terms on State Boards or Commissions (H.4744, Rep. Beasley). The terms of those serving on state boards or commissions, whether they are appointed by the governor or elected by the General Assembly, would be limited under provisions of this legislation. Board and commission members would be limited to two full successive terms or 12 years, whichever is greater. The provisions would not be applied retroactively -- only after the expiration of the current term.

Members could be reelected or reappointed to a board or commission after they have been absent for two years or more. Exceptions to this limitation would be lifetime trustees of Clemson University or any board or commission member who is paid an annual salary from the general fund.

Magistrate's Court Jurors (H.4762, Rep. J.C. Johnson). This legislation would increase the fine for failing to appear as a juror for magistrate's court from \$10 to \$25.

Annexation and Water and Sewer Service (H.4767, Rep. Corning). This legislation seeks to break the link between providing water and sewer service by a municipality and annexation proceedings. Under this bill, a municipality, which provides water or sewer service outside its boundaries, could not require annexation of the property as a condition for providing water or sewer service.

Medical, Military, Public and Municipal Affairs Committee

Firework Ban to Prevent Forest Fires (H.4766, Rep. Altman). Counties would be authorized by this legislation to ban fireworks or pyrotechnics within their boundaries if there is a fire hazard due to a natural disaster. The State Forestry Commission is urging the state to be careful of fire hazards for the next year due to the number of trees downed by Hurricane Hugo.

Septic Tank Licensing (H.4736, Rep. Washington). Any person who installs or services septic tanks would have to be licensed with the state Department of Health and Environmental Control, if this bill is enacted by the Legislature. The annual license fee would be \$35, which would be deposited by DHEC in the state general fund. Any violation of law or regulation in connection with septic tanks would be subject to revocation of the license.

All licensed septic tank installers or servicers must keep records of where they dump septic tank refuse. Violation of the record keeping or licensing provisions of this bill would be a misdemeanor punishable by a fine of up to \$200 or not more than 30 days in jail.

This legislation would not apply to people installing or servicing a septic tank on their own property.

Annexation and Budget and Control Board Hearing (H.4742, Rep. Barber). Before the State Budget and Control Board could petition to have state land annexed by a municipality, it would have to hold a public hearing, if this legislation is enacted. The public hearing must be held 30 days before the state presents its petition in the State Register.

Labor, Commerce and Industry Committee

Per Diem Fine for Lapsed Auto Insurance (H.4728, Rep. Kirsh). Under last year's Automobile Insurance Reform Act, a person who allowed his auto insurance to lapse would pay a \$200 reinstatement fine and an additional \$5 per day fine for each day the State Highway Department determined his vehicle was being driven uninsured. This legislation would lower that per diem fine from \$5 a day to \$1 a day, with a maximum per diem fine of \$30 for a first offense. Additionally, this legislation would direct the per diem fine to the State Reinsurance Facility to be included in the determination of the recoupment fee. Currently, the per diem fine goes to the Highway Department's financial responsibility program.

Repeal of Old Insurance Requirement for Motor Vehicle Registration (H.4769, Rep. Kohn). This legislation would repeal the old section of the state motor vehicle laws that requires a motor vehicle to be insured in order to be registered. New motor vehicle registration and insurance requirements, as provided by automobile insurance reform laws passed by the General Assembly in recent years, are now found in a new chapter of the code.

Ways and Means Committee

Cars Loans for Driver's Education (H.4743, Rep. Barber). Cars that are loaned to school districts without cost by dealers or wholesalers would be exempt from property taxes for at least 30 days of that particular tax year.

In addition, the State Highway Department would issue a special permanent license plate for school districts to be placed on loaned, leased or purchased driver's education vehicles. The department would furnish up to 20 tags without cost. The tags could be transferred to other vehicles used by the district for driver's education.

Assessment Objections (H.4752, Rep. J.C. Johnson). If a property owner objects to an assessment of his property by the county assessor, then the burden of proving the assessment or valuation would be on the assessor after the initial objection is lodged, under this legislation.

Clemson Bonds (H.4763, 4764, Rep. McAbee). These two bill would authorize Clemson University to increase the bonds it issues from \$20 million to \$30 million for plant improvement bonds, and from \$30 million to \$40 million for bonds for student and faculty housing.

Research Authority Membership (H.4770, Rep. McLellan). The board of the South Carolina Research Authority would be reduced from 24 to 13 members under this legislation. Those eliminated from the board would be ex officio members including the governor or his designee, the president of the Council of Private Colleges, the presidents of S.C. State College and Francis Marion College, the chairman of the State TEC Board, and the chairman of the Technical Advisory Board of the Authority. In addition, the remaining trustees positions on the board would be reduced from 10 to five.

The bill also would authorize the authority to establish and operate research, computer and technology-related projects and facilities.