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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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Legislative Update

Legislation Introduced

Pistol Permits (H.3660). Additional requirements would be placed on persons applying for pistols if this bill passes. The applicant would be required to submit a set of fingerprints to SLED at the time of application. Naturally, this would allow SLED to run checks on the person more easily, have more complete records should anything amiss occur later, and perhaps keep pistols out of the hands of those who shouldn't have them.

Pistol Dealers (H.3661). Under provisions of this bill, pistol dealers would have to have a federal firearm dealer's license as well as appropriate state permits.

The Bad Seed (H.3668). This bill would protect farmers who find themselves injured because of the "failure of agricultural, vegetable, or flower seed to produce or perform as represented by the label attached to the seed." The Commissioner of Agriculture would appoint an arbitration committee to investigate and decide complaints of this sort. No connection with the 1956 movie, directed by Mervyn LeRoy, where Patty McCormack plays an outwardly sweet little girl who secretly murders her schoolmates when they annoy her.

Tax Deductions for "Special Needs Child" (H.3672). This bill would provide for a state income tax deduction of \$2,000 for persons who adopt a special needs child. "Special needs" would include those conditions, such as medical conditions, and mental, emotional or physical handicaps, which make unassisted adoptions of such children highly unlikely.

Council on Maternal and Child Health

State Council on Maternal, Infant and Child Health (S.884 and H.3318). These two bills address the same issue: improved health for mothers and their babies and children. The Senate bill has passed that body and is now in the House; the identical House version has just been introduced into the Senate.

Both bills will establish a State Council on Maternal, Infant, and Child Health and provide guidelines for membership and appointments to the council. The object is to improve the healthcare of children—current and future generations. In order to achieve this, H.3318 and S.884 outline the functions of the State Council on Maternal, Infant, and Child Health as follows:

—The council will provide for the assessment of maternal, infant, and child health status, identification of these groups' needs, and the assessment of the system to serve the qualified needs shall occur on annual basis.

—The council shall also be responsible for for the development of a service plan to address the staffing needs of the council; this plan must be approved by the governor and implemented by the council within three years. The council would recommend state policies and goals in regard to maternal, infant and child health to fit their development plan.

—The council will initiate community awareness for the health care of these groups including information of risk behavior and available services.

—The council will meet twice a year and must submit an annual report to the General Assembly and the Governor containing information on the success of the council's goals, and including further recommendations for state policy.

—The Governor's Office will house and fund the council through existing resources.

Special Order

Now that the General Appropriation Bill has been disposed of (for the time being) in a speedy and efficient fashion, the House can turn to the following bills, set for special order to follow debate on the budget.

Statute of Limitations for Architects (S.153). How long are architects, engineers, surveyors and other kindred spirits to be blamed for defects caused by their work? At present their liability is indefinite; this bill proposes a time limit to that liability: sixteen years in the Senate version, ten years as amended by the House Labor, Commerce and Industry Committee.

The statute of limitations would commence following "substantial completion of the improvement" to real property. Actions could be based on damages arising from such events as breach of contract, negligent construction, personal injury or death, or economic loss. Separate consideration is given for hazardous or toxic substances, which affect persons in a manner different from normal construction or engineering defects or faults.

Bonds for Prisons (H.3279). This proposal would make provisions for capital improvement bonds to fund the prison construction required by the Nelson lawsuit settlement.

The 1986 bond bill will be over \$100 million. Normal capital improvement programs must address the needs of 6,000 existing buildings and facilities, and the present and future needs of 50 agencies, institutions, colleges and universities. The average yearly capital improvement program statewide is between \$60 to \$70 million dollars.

The Nelson settlement will cost about \$160 million over a five year period for prison construction. This bill proposes financing the statewide capital improvement program with general obligation bonds until the capital fund is large enough to finance this entire program in cash. Estimated time for the transition is four to five years.

The Joint Bond Review Committee has recommended that annual capital fund monies be used only for prison construction until there is money in excess of the need for prisons. The committee also recommended that the gradual phase-down of the debt service limit be suspended for a time, but would be fully implemented by 1992. This would enable the Treasurer to issue bonds until the capital fund could replace them.

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By 1992, the state's debt service expenditures for general obligation bonds would have to be no more than 2 1/2% of the general fund for the prior fiscal year.

The General Assembly would be instructed to appropriate money into the Capital Expenditure Fund according to the following schedule:

FY 1985-86: one-half of one percent of the general fund revenue
FY 1986-87: one and one-half percent of the general fund revenue
FY 1987-88 and thereafter: two and one-half percent of the general fund revenue

Additional Capital Improvement Bonds (H.3283). A total of \$137,862,478 in capital improvement bonds would be authorized. These would be used by a number of state agencies and organizations, such as SLED (\$10,000,000); the Budget and Control Board (\$9,067,000, mostly for building renovations); colleges and universities (\$10,027,000 for Lander, \$27,341,000 for the University of South Carolina, \$8,500,000 for the Medical University, among others); TEC (\$13,008,892); and DHEC (\$5,000,000).

Truck Lengths (S.344). This bill suggests amendments to the South Carolina Code of Laws encompassing the size and combination limits now existing on vehicles. These amendments would allow larger combination vehicles to be used on the interstate system and other designated roads.

Section 56-5-4030 currently limits vehicle and load width to ninety-six inches. The amendment calls for an increase of this limit to one hundred two inches for operation on four lane highways.

Section 56-5-4070 would be amended to allow two and three unit combinations of specific sizes for designated types of transporters including truck tractors and auto transporters.

The amendment of section 56-5-4140 would allow heavier vehicles access to federal roads as long as certain equipment requirements were met. All weight requirements are listed in the bill itself.

An addition to the Code of Laws of Section 56-5-4075 would regulate the previous listed changes. The Department of Highways and Public Transportation would be authorized to establish guidelines for all the vehicles operating under these amendments.

These regulations would be based upon the federal guidelines governing interstate transportation.

The Grace Memorial Bridge is excluded from the designated route access as the Charleston structure does not meet Federal bridge support requirements.

The bill also directs the S.C Highway Department to negotiate with the Federal Highway Administration for a continuation beyond September 1, 1988, of the moratorium which has already been negotiated.

The Attorney General of the United States has been required to ensure that a state complies with federal requirements for truck length, width and combinations. Failure to comply with these requirements could result in a loss of federal fund for states. Since 1982, the South Carolina Highway Department has not enforced South Carolina laws where they conflict with federal law. The bill is an effort to remove the state highway department from an awkward situation and give better guidelines for allowing the longer and wider trucks and twin trailers to operate in South Carolina.

A Side Order of Bacon

Francis Bacon (1561-1626), the English statesman, philosopher and writer, is still remembered today for his pithy comments. Some examples:

Hope is a good breakfast, but it is a bad supper.

Revenge is a kind of wild justice, which the more man's nature runs to, the more ought law to weed it out.

Prosperity doth best discover vice, but adversity doth best discover virtue.

Money is like muck, not good except it be spread.

In charity there is no excess.

Sir Amice Pawlet, when he saw too much haste made in any matter, was wont to say, "Stay a while, that we may make an end the sooner."

If a man will begin with certainties, he shall end in doubts; but if he will be content to begin with doubts he shall end in certainties.

Nothing is terrible except fear itself.

He that will not apply new remedies must expect new evils; for time is the greatest innovator.

Estimated Lottery Revenues (Southeast)

As an addition to our report on lotteries, which appeared in issue Number 7 (February 25), *Legislative Update* presents some recent revenue predictions of potential lottery income for several states in the Southeast, including South Carolina.

In 1983, lottery sales exceeded \$6 billion across the United States. This means that the average annual lottery spending was about \$63.50 per capita with over 40% of the country's population involved. States such as California and New York comprise a large part of that percentage, yet a total of nineteen states currently have lotteries.

Scientific Games, Inc., a leading lottery supplier, suggests that the best way to predict a state's gross lottery revenue is to multiply the figure of \$63.58 by the state's total population. Generally 50% of gross sales goes into prizes for lottery winners; around 10% is set aside for lottery administration. An average of state revenue is predicted at 35-40% of gross lottery sales.

According to a recent issue of *From the State Capitals*, the Mississippi House Constitution Committee has approved amendments allowing a state lottery; the revenue would be split between public and higher education. Meanwhile, in Alabama, a similar constitutional amendment proposal has been put "on hold" by the House Ways and Means Committee.

Projected lottery figures for the non-lottery states in our region are as follows:

<u>State</u>	<u>Population (000's)</u>	<u>Projected Gross Lottery Revenues @ \$63.58/Capita Millions</u>	<u>Projected Net Lottery Revenues @ 40%</u>
Alabama	3,890	247.3	98.9
Florida	9,740	619.3	247.7
Georgia	5,464	347.4	139.0
Mississippi	2,521	160.3	64.1
North Carolina	5,874	373.5	149.4
SOUTH CAROLINA	3,119	\$ 198.3	\$ 79.3