**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3977**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Nanney

Document Path: l:\council\bills\ggs\22330ab09.docx

Introduced in the House on April 29, 2009

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: Drug-related hazardous waste

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/29/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑8

4/29/2009 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2009\04-29-09.docx)‑8

**VERSIONS OF THIS BILL**

[4/29/2009](file:///p:\pprever\2009-10\3977_20090429.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑295 SO AS TO DEFINE DRUG‑RELATED HAZARDOUS WASTE, TO PROVIDE WHERE DRUG‑RELATED HAZARDOUS WASTE IS FOUND ON A SPECIFIC PARCEL OF PROPERTY AND A DOCUMENT WARNING OF THE POSSIBLE CONTINUED PRESENCE OF THIS WASTE ON THE PROPERTY IS RECORDED IN THE OFFICE OF THE CLERK OF COURT OR REGISTER OF MESNE CONVEYANCE IN THE COUNTY WHERE THE PROPERTY IS SITUATED, THE PROPERTY’S OWNER MAY SEEK FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL A WRITTEN DETERMINATION OF WHETHER DRUG‑RELATED HAZARDOUS WASTE EXISTS ON THE PROPERTY; TO PROVIDE THE DEPARTMENT MUST MAKE THIS WRITTEN DETERMINATION WITHIN NINETY DAYS OF THE REQUEST OR THE DEPARTMENT IS CONSIDERED TO HAVE DETERMINED THE PROPERTY FREE FROM DRUG‑RELATED HAZARDOUS WASTE; TO PROVIDE WHERE THIS WRITTEN DETERMINATION INDICATES THE ABSENCE OF DRUG‑RELATED HAZARDOUS WASTE ON THE PROPERTY OR THE DEPARTMENT FAILS TO PROVIDE A WRITTEN DETERMINATION WITHIN NINETY DAYS, THE OWNER OF THE PROPERTY MAY RECORD WITH THE CLERK OF COURT OR REGISTER OF MESNE CONVEYANCE IN THE COUNTY WHERE THE PROPERTY IS SITUATED EITHER THE DEPARTMENT’S WRITTEN DETERMINATION OR AN AFFIDAVIT STATING THE DEPARTMENT FAILED TO RESPOND WITHIN NINETY DAYS, AMONG OTHER THINGS; AND TO PROVIDE A WRITTEN CROSS‑REFERENCE TO THESE RECORDED DOCUMENTS MUST BE NOTED ON THE PREVIOUSLY RECORDED DOCUMENT THAT PROVIDED NOTICE OF THE CONTINUED POSSIBLE PRESENCE OF DRUG‑RELATED HAZARDOUS WASTE ON THE PROPERTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑295. (A) For the purposes of this section, ‘drug‑related hazardous waste’ means hazardous chemicals, materials, or substances used in connection with the manufacture of illegal drugs or items contaminated by these chemicals, materials, or substances.

(B)(1) Where drug‑related hazardous waste is found on a parcel of property and a document warning of the continued possible presence of this drug‑related hazardous waste on the property is recorded in the office of the clerk of court or register of mesne conveyance in the county where the property is situated, the property’s owner may seek from the Department of Health and Environmental Control a written determination of whether drug‑related hazardous waste exists on the property. The property owner must make his request in writing and provide a certified copy of the document filed with the clerk of court or register of mesne conveyance that warned of a continued possible presence of drug‑related hazardous waste on his property.

(2) The department shall make a written determination requested under item (1) of this subsection within ninety days of receiving a written request for this determination. The department is considered to have determined the property free from drug‑related hazardous waste if it fails to provide this written determination within this time period.

(3)(a) The property owner may record with the clerk of court or register of mesne conveyance in the county where the property is situated:

(i) the department’s written determination; or

(ii) his affidavit stating the department is considered to have determined the property free from drug‑related hazardous waste by failing to issue a written report within ninety days of receipt of the property owner’s written request for a determination and other documents required in item (1) of this subsection.

(b) Upon recording a document received under subitem (a) of this item, the clerk of court or register of mesne conveyance shall make on the previously recorded document that warned of a possible ongoing presence of drug‑related hazardous waste on the property a written corresponding cross‑reference to this new recorded document. This cross‑reference clearly shall indicate the:

(i) book and page number of the newly recorded document; and

(ii) department found the property free from drug‑related hazardous waste on the date it issued its written determination or, if no written determination is made, on the ninety‑first day following the date on which the property owner made his written request for this determination.”

SECTION 2. This act takes effect upon approval by the Governor.

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