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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

Volume 3

May 6, 1986

No. 17

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Legislative Update

Senate Bills in the House

Senate bills in the House which are likely to receive attention before the end of the session:

Fire Sprinkler Regulations (S.892). Amendments are proposed to the Fire Sprinkler Regulation Act of 1985.

The State Fire Marshall would be allowed to impose a penalty of up to \$250 for violations of the act; the individual's license could be revoked for failure to comply with orders.

Certain certificate requirements would be postponed until 1987, if persons are working towards satisfaction of the requirements.

The Act would also be amended to exempt licensed mechanical contractors performing emergency repair work on existing fire protection sprinkler systems or existing water spray systems or existing water foam systems where the labor cost is under \$1,000; also exempt, persons doing work on their own property or that of their normal employer.

Apartment buildings that do not have a fire protection system would have to have a smoke detector.

On second reading in the House.

Commission on Aging (S.771). Membership on the Commission on Aging would be changed from two members from each Congressional District to one member per district; there would also be one state-wide member. The members would be appointed by the Governor with the advice and consent of the Senate. The chairman of the Commission is now appointed by the Governor; under this bill, the chair would be elected by the commission members. The term would be two years.

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The other major change would require the commission to meet at least six times annually instead of once each quarter.

Reported out favorably by the Ways and Means Committee.

Taxes on Building and Loan Associations (S.956). This bill relates to definitions and net income with respect to the tax on building and loan associations, so as to update the definition and provide for a bad debt deduction equal to the bad debt deduction allowed pursuant to the federal Internal Revenue Code.

Reported out favorably by the Ways and Means Committee.

County Treasurer: Delegation of Powers (S.748). This bill would authorize the county treasurer or tax collector to delegate certain powers to a deputy treasurer, deputy tax collector, or to the county sheriff. The specific powers to be delegated: to seize the property of a defaulting taxpayer for nonpayment of property taxes. The bill increases the collection powers of local government.

Recalled from the Ways and Means Committee.

Education: Pupil-Teacher Ratio Postponed (S.961). The Education Improvement Act set new standards for the number of students per teacher in classes in language arts and mathematics. The ratio was changed from twenty-eight to one to twenty-five to one. This bill would delay putting the new ratio into effect for two years for grades seven through twelve, in school districts with more than 9,00 students.

If the ratio of twenty-five to one remains, it is estimated that there would be a need for 110 additional teachers in 21 districts in 1986-87. Total cost for these teachers: \$3,011,480. The funds for these new teachers would come from the one cent addition in the sales tax, but if there is not sufficient growth in the one cent sales tax for the cost, funds would have to come from some other source.

Debate has been adjourned on this bill until Tuesday, May 6.

Beer and Wine in Limos (S.197). This measure would permit open containers of beer and wine in certain motor vehicles--namely limousines and buses. It would amend existing law to allow beer and wine in buses which can carry ten or more passengers, and in limousines with dividers between the driver and passenger compartment.

On the contested calendar in the House. Home, James, and through the park.

Overdue Child Support Information (S.339). Under provisions of this bill, consumer reporting agencies would be allowed access to information about any overdue, court-ordered child support owed by a person in excess of \$1,000.

The Clerk of Court would have to send advance written notice to the person owing the support money. That person would have twenty days to contest release of the information at a hearing before the Family Court. If a hearing is requested, no information may be released until the hearing is completed.

Now on the contested calendar.

Industrial and Economic Development: Ad Valorem Taxes (S.304). This bill proposes an amendment to Article X of the State Constitution. The amendment would grant the state, counties, municipalities and other political subdivisions the power to incur general obligation debt for the purposes of "promoting economic development and industrial development." These developments would have to benefit either all residents of the state or all residents of the county, and not just those in a particular geographical section.

This bill would have no effect on state revenue. However, it could create an increase in the local property tax, since additional money might be needed to offset expenditures relating to economic and industrial development.

Notaries Public (S.27). At present, a person who wishes to become a notary public must secure the endorsement of a majority of the legislative delegation from his or her county. This bill would add another alternative: securing the endorsement of the Senator and House member from the district where the individual lives.

And just what is a notary public? According to *Black's Law Dictionary*, it is "a public officer whose function it is to administer oaths; to attest and certify, by his hand and official seal, certain classes of documents, in order to give them credit and authenticity in foreign jurisdictions; to take acknowledgements of deeds and other conveyances, and certify the same; and to perform certain official acts, chiefly in commercial matters, such as the protesting of notes and bills, the noting of foreign drafts, and marine protests in cases of loss or damage."

Dismissal for Filing Workers' Compensation Claim (S.210). This bill states that an employer may not fire or demote any employee because the employee has filed a claim under the Workers' Compensation Law, or has been a witness at any Workers' Comp. proceedings.

An employer who does fire or demote because of those reasons would be liable for lost wages; in addition, the employee discharged or demoted would be entitled to be reinstatement. The matter would be resolved in a civil suit, and the burden of proof would be with the employee.

An employer would be allowed to use the following points in defense of firing or demoting the employee: habitual tardiness or absence; being disorderly or intoxicated while at work; destruction of any of the employer's property; failure to meet employer work standards (not related to the workers' compensation claim); malingering; embezzlement or larceny of the employer's property; or violating specific written company policy which has the punishment of firing.

The bill was amended in the House Judiciary Committee so that an employer is not obliged to keep on a worker who receives compensation for total permanent disability.

On the contested calendar.

Employment Security Benefits and Separation Pay (S.260). In the Code, 41-35-120 lists circumstances which disqualify persons from receiving employment security benefits. For example, if a person leaves work voluntarily, or is discharged for misconduct, he or she is not eligible for the benefits.

Included in these provisions is the situation where a person receives "separation wages." The provision was suspended from 1984 through 1985; this bill would strike it out permanently.

On the contested calendar.

"Chop Shop" Bill (S.747). According to this bill there are more than one million reported motor vehicle thefts each year in the United States. Over fifty percent of all reported larcenies are of motor vehicles. According to other sources, costs of motor vehicle thefts in 1981 totaled \$2.7 billion.

Increasingly sophisticated methods are being used by criminals involved with motor vehicle theft. One is the "chop shop," the criminal garage that specializes in taking stolen automobiles apart, grinding down or otherwise erasing serial numbers, and selling the assorted parts and materials. "There are indications," S.747 says, "that criminal elements are using motor vehicle theft proceeds for other illicit activities."

The "chop shop" makes it harder to trace the stolen goods, since they are sold to a number of different persons, serial numbers have been erased, and identifying marks are usually missing.

This bill proposes outlawing such chop shops. Owning one could be punishable by ten years in prison or fines up to \$100,000; working in one could net five years in the slammer and a fine between \$5,000 to \$10,000; being a client of a chop shop could also bring five years or a fine up to \$10,000.

On the contested calendar.

For some relevant statistics on motor vehicle theft in South Carolina, see page 9 of this *Legislative Update*.

Dental Insurance Bill (S.864)

The issue of dental insurance has come before the General Assembly—specifically, the question at hand is payment.

Many companies and businesses offer dental insurance to their employees. Usually this coverage is arranged with a "preferred provider organization," or PPO. A contract is written between the insurance company and a group of dentists who agree to accept specified fees in return for having the insurance company refer its customers to the "participating" dentists. Generally the insurance will pay between 80 to 90 percent of the costs. If an individual goes to a dentist not on the participating list, the insurance pays none of the costs, or pays less than the rate paid to participating dentists.

S.864 would allow individuals to chose whatever dentist they prefer, whether the dentist is on the participating list or not. If the selected dentist charged more than the fee allowed by the insurance company, the patient would have to make up the difference in cost.

Supporters of S.864 say that the bill would not abolish the preferred provider organizations, but would merely offer persons greater choice in selecting their dentist. This is often referred to as the "freedom of choice" option. Support for the measure is strong among the dentists.

On the other hand, insurance providers such as Blue Cross/Blue Shield are opposed to the bill, claiming that it would defeat one of the major purposes of PPOs—keeping medical and dental costs contained.

S.864 would require equal payment to all dentists, whether "participating" or not. According to Blue Cross/Blue Shield, this would make preferred provider coverage "illegal," and the insurance would become unavailable to small businesses. The essence of PPO

insurance is the different payment schedule between "participating" and "non-participating" dentists, since it is the prospect of additional patients (those covered by the plan and referred to the dentist) which make dentists agree to sign the participating contract.

Those in favor of S.864 stress the "freedom of choice" aspect of the bill. According to these arguments, a PPO system of dental insurance can cut off persons from their family dentists—if the dentists are not "participating" dentists. If the family dentist decides not to renew his or her contract with the insurance company, the patient can no longer be reimbursed.

However, those who favor the present system, with the PPO set-up, argue that it keeps dental costs down, reduces insurance company payments, and benefits both employers and employees.

One basic question seems to be this: shall the patient have the option to choose any dentist, or only a dentist from a list provided by the insurance company. Supporters of S.864 say the first option is true "freedom of choice" and will not adversely affect cost containments.

Opponents of S.864 say the PPO plans are open to any dentist who wants to sign on, and that patients are left with a relatively wide "freedom of choice" concerning their selection of dentists. In addition, the plans keep dental costs down.

County and Municipal Taxes:
Where Southeastern States Get Their Local Money

According to the latest issue of *The Fiscal Letter*, published by the National Conference of State Legislatures, most counties in the southeast are heavily dependent upon the property tax as a major source of revenue. Sales taxes generally make up the second largest chunk of county revenue. Only one state, Kentucky, allows the personal income tax to be used for county funding.

For municipalities, the property tax, sales tax and "other" category (generally user fees) are the major revenue producers. Two states, Alabama and Kentucky, have municipalities getting money from the personal income tax—and in the Bluegrass State, it accounts for almost half of municipal revenues. The figures below are from the March/April issue of *The Fiscal Letter*.

Composition of County Tax Revenue (1984)

| <u>State</u> | <u>Property</u> | <u>Sales</u> | <u>Income</u> | <u>Other</u> |
|----------------|-----------------|--------------|---------------|--------------|
| Alabama | 45.3 | 31.2 | * | 23.4 |
| Arkansas | 74.9 | 24.4 | 0 | 0.7 |
| Florida | 86.2 | * | * | 13.8 |
| Georgia | 57.2 | 30.7 | 0 | 12.1 |
| Kentucky | 64.5 | 0 | 6.2 | 29.3 |
| Louisiana | 54.5 | 39.0 | 0 | 6.5 |
| Mississippi | 96.1 | 0.1 | 0 | 3.7 |
| North Carolina | 74.0 | 23.9 | 0 | 2.1 |
| SOUTH CAROLINA | 95.0 | 0 | 0 | 5.0 |
| Tennessee | 61.8 | 32.7 | 0 | 5.5 |
| Virginia | 75.7 | 9.7 | 0 | 14.6 |
| West Virginia | 97.1 | 0 | 0 | 2.9 |

* Too small to consider

Composition of Municipal Tax Revenue (1984)

| <u>State</u> | <u>Property</u> | <u>Sales</u> | <u>Income</u> | <u>Other</u> |
|----------------|-----------------|--------------|---------------|--------------|
| Alabama | 17.0 | 43.7 | 7.7 | 31.6 |
| Arkansas | 29.5 | 18.2 | * | 52.3 |
| Florida | 51.5 | 0 | 0 | 48.5 |
| Georgia | 48.3 | 5.5 | * | 46.2 |
| Kentucky | 32.7 | * | 49.3 | 18.0 |
| Louisiana | 54.5 | 39.0 | 0 | 6.5 |
| Mississippi | 80.6 | 0 | 0 | 19.4 |
| North Carolina | 94.3 | 0 | 0 | 5.7 |
| SOUTH CAROLINA | 66.6 | 0 | 0 | 33.6 |
| Tennessee | 61.2 | 19.3 | 0 | 19.5 |
| Virginia | 60.7 | 11.3 | 0 | 28.0 |
| West Virginia | 23.3 | 0 | 0 | 76.7 |

* Too small to consider.

Motor Vehicle Theft in South Carolina

Senate Bill S.747 would outlaw "chop shops"—those set-ups which receive stolen cars and trucks, and break them down to sell the parts. Just how serious is motor vehicle theft in our state? A survey of the latest *Statistical Abstract* gives some figures.

In 1984 (latest figures available) 7,853 cases of motor vehicle theft were reported in the state; only 1,757 of these cases were cleared—a percentage of 22.4 percent.

However, those figures paint a bleaker picture than might be accurate. The value of the stolen vehicles amounted to \$34,657,133; the value of the recovered property was \$17,747,684. The percentage of stolen value recovered was 51 percent—the highest recovery rate for all categories of stolen property. (The lowest recovery rate was 4.5 percent, for livestock.)

In 1984, 716 persons were arrested for motor vehicle theft. There was an almost even split between the races: 387 persons arrested were white, 327 were black. (Two were identified as "other.") Males, however, far outrank females in this category of crime: a total of 675 men were arrested for motor vehicle theft as opposed to only 41 women.

Of the criminals identified in the thefts, 16 percent were under the age of 18; motor vehicle theft and general larceny account for the highest incidence of juvenile crime. Persons under 18 involved in larceny also total 16 percent of all closed cases.

During 1985 the state Department of Corrections took custody of 252 persons for motor vehicle theft; this is 3.7 percent of the Department's total inmate population. Motor vehicle theft ranks ninth in terms of inmates in the correctional system; larceny brings in the most (approximately one-fourth), with dangerous drugs and traffic offenses ranking second and third.

In 1982 motor vehicle theft jumped up 2.5 percent; the next year there was a dramatic fall of 12.2 percent in thefts. In 1984 the crime rebounded slightly, 0.6 percent.

The county by county crime rates for motor vehicle theft are found on the next page; these rates are for each theft per 10,000 persons in the county population.

Motor Vehicle Theft Rate
Per 10,000 Population (1984)

| County | Theft Rate | County | Theft Rate |
|--------------|------------|--------------|------------|
| Abbeville | 9.2 | Greenwood | 13.7 |
| Aiken | 21.7 | Hampton | 2.1 |
| Allendale | 1.8 | Horry | 47.4 |
| Anderson | 24.2 | Jasper | 22.9 |
| Bamberg | 6.6 | Kershaw | 12.8 |
| Barnwell | 5.4 | Lancaster | 16.4 |
| Beaufort | 24.2 | Laurens | 4.1 |
| Berkeley | 17.9 | Lee | 4.8 |
| Calhoun | 9.5 | Lexington | 18.8 |
| Charleston | 38.8 | McCormick | 12.3 |
| Cherokee | 22.8 | Marion | 12.3 |
| Chester | 8.8 | Marlboro | 10.2 |
| Chesterfield | 14.1 | Newberry | 5.6 |
| Clarendon | 8.9 | Oconee | 8.0 |
| Colleton | 14.3 | Orangeburg | 17.1 |
| Darlington | 26.2 | Pickens | 13.8 |
| Dillon | 19.0 | Richland | 44.1 |
| Dorchester | 16.8 | Saluda | 5.3 |
| Edgefield | 9.0 | Spartanburg | 22.6 |
| Fairfield | 9.6 | Sumter | 17.2 |
| Florence | 25.4 | Union | 17.2 |
| Georgetown | 16.8 | Williamsburg | 8.8 |
| Greenville | 29.2 | York | 26.0 |
| State total: | 23.8 | | |

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| H.3550 | Appropriation bill | 3/9 | 3/11 | 2 |
| H.3553 | Archaeologists, and graves | 3/8 | 3/4 | 2 |
| H.3555 | Alcohol, sales to minors | 3/8 | 3/4 | 3 |
| H.3556 | Beer, drinking age raised | 3/8 | 3/4 | 3 |
| H.3559 | Alcohol, route and warehouse salesmen | 3/8 | 3/4 | 3 |
| H.3560 | Homestead exemption, increased | 3/8 | 3/4 | 3 |
| H.3563 | Procurement codes, county | 3/8 | 3/4 | 3 |
| H.3567 | Oil overcharge, refunds | 3/8 | 3/4 | 4 |
| H.3569 | Marriage license, fees | 3/8 | 3/4 | 4 |
| H.3570 | DSS, and Children's Bureau | 3/8 | 3/4 | 5 |
| H.3582 | Interpreters, state board | 3/9 | 3/11 | 6 |
| H.3582 | Terrorism | 3/9 | 3/11 | 6 |
| H.3583 | Beer, regulations | 3/9 | 3/11 | 7 |
| H.3586 | Elections, campaign advertising | 3/9 | 3/11 | 8 |
| H.3587 | College students, voting | 3/9 | 3/11 | 8 |
| H.3603 | Education, regulatory reform | 3/9 | 3/11 | 8 |
| H.3607 | SLED protection | 3/9 | 3/11 | 7 |
| H.3617 | South Africa, S.C. investments in | 3/9 | 3/11 | 7 |
| H.3620 | Highway Commission, changes in composition | 3/10 | 3/18 | 2 |
| H.3624 | Coastal Council, abolished | 3/10 | 3/18 | 3 |
| H.3627 | Traffic fines, reduced for seat belt wearers | 3/10 | 3/18 | 2 |
| H.3652 | Agriculture, farm mortgage moratorium | 3/10 | 3/18 | 3 |
| S.153 | Architects, statute of limitations | 3/9 | 3/11 | 3 |
| S.157 | Physicians, notice of discipline | 3/1 | 1/14 | 17 |
| S.197 | Buses and limos, and open containers | 3/1 | 1/14 | 14 |
| S.210 | Workers' compensation, discharge or demotion | 3/4 | 2/4 | 6 |
| S.260 | Unemployment benefits, disqualifications | 3/1 | 1/14 | 13 |
| S.344 | Truck lengths | 3/9 | 3/11 | 5 |
| S.459 | Omnibus Crime Bill | 3/3 | 1/28 | 9 |
| S.747 | Chop shops, outlawed | 3/10 | 3/18 | 3 |
| S.766 | Alienation of affections, removed from Code | 3/7 | 2/25 | 3 |
| S.971 | Elections, voting by handicapped | 3/9 | 3/11 | 8 |
| S.1009 | Taxes, exemptions for research and development | 3/7 | 2/25 | 6 |
| S.1047 | Regulations, emergency | 3/9 | 3/11 | 7 |
| S.1082 | Property taxes, exemptions for servicemen | 3/9 | 3/11 | 7 |