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Indicates New Matter

COMMITTEE AMENDMENT AMENDED, ADOPTED AND AMENDED

February 22, 2017

**S. 107**

Introduced by Senators Campsen, Hutto, Massey and Hembree

S. Printed 2/22/17--S. [SEC 2/23/17 4:27 PM]

Read the first time January 10, 2017.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-125, SO AS TO PROVIDE THAT BEGINNING WITH THE 2018 GENERAL ELECTION, IF THE LIEUTENANT GOVERNOR RESIGNS OR IS REMOVED FROM OFFICE, THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR FOR THE UNEXPIRED TERM; BY ADDING SECTION 7-11-12, SO AS TO ESTABLISH THE PROCEDURE BY WHICH A PERSON NOMINATED AS GOVERNOR SELECTS A LIEUTENANT GOVERNOR AS A JOINT TICKET RUNNING MATE; BY ADDING SECTION 7-13-315, SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO ENSURE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR ARE ELECTED JOINTLY; BY ADDING SECTION 8-13-1301, SO AS TO PROVIDE THAT JOINTLY ELECTED CANDIDATES MUST BE CONSIDERED A SINGLE CANDIDATE FOR CONTRIBUTIONS AND ESTABLISHING A COMMITTEE; TO AMEND SECTION 8-13-1314, RELATING TO CONTRIBUTION LIMITATIONS, SO AS TO PROVIDE THAT WITHIN AN ELECTION CYCLE, CONTRIBUTIONS FOR STATEWIDE CANDIDATES ARE INCREASED FROM THREE TO FIVE THOUSAND DOLLARS, CONTRIBUTIONS FOR JOINTLY ELECTED CANDIDATES ARE FIVE THOUSAND DOLLARS, AND CONTRIBUTIONS FOR CANDIDATES FOR OTHER OFFICES ARE INCREASED FROM ONE TO TWO THOUSAND DOLLARS AND THAT FUTURE LIMITATIONS ON CONTRIBUTIONS MUST BE INCREASED BY THE STATE ETHICS COMMISSION DEPENDENT UPON THE CONSUMER PRICE INDEX; TO AMEND SECTION 7-11-15(A), RELATING TO FILING AS A CANDIDATE FOR THE GENERAL ELECTION, SO AS TO PROVIDE IF MARCH 30, THE DEADLINE FOR FILING, IS ON A SATURDAY OR SUNDAY, THE TIME FOR FILING EXTENDS TO THE NEXT BUSINESS DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY; TO AMEND SECTION 7-13-45, RELATING TO ESTABLISHING HOURS FOR ACCEPTING CANDIDATE FILINGS, SO AS TO DELETE SPECIFIC REFERENCES TO THE NUMBER OF HOURS AND PROVIDE THAT FILINGS BE ACCEPTED DURING REGULAR BUSINESS HOURS ON REGULAR BUSINESS DAYS; TO AMEND SECTIONS 1-3-120, 1-3-130, 1-6-30(9), 1-9-30, 1-11-10(D), 1-11-425, 1-18-70, 1-23-280(B) AND (E), 1-23-290(D), 2-1-230(C), 2-1-250(B), 2-2-30(B)(1), 2-2-40(B), 2-3-20, 2-3-75(B)(3), 2-3-105(A)(4), 2-15-60(b), 2-17-90(A)(1), 2-17-90(A)(6)(c), 2-17-100(3), 2-19-10(B)(2), 2-41-70, 2-67-20(E)(1)(a), 2-69-20, 2-69-40, 2-75-10, 3-11-400(C)(3)(b)(iii), 5-1-26(B)(4), 5-1-26(F), 6-4-35(A)(2), 6-29-1330(D)(3), 6-29-1330(G), 8-13-540(3)(d), 8-13-715, 8-13-1373, 9-4-10(B)(1)(b), 9-4-40, 9-16-90, 9-16-380, 10-1-168(I), 11-9-890B.(2), 11-11-350, 11-43-140, 11-45-40(B)(1), 11-50-50, 11-57-340, 12-3-10(A)(1), 13-1-25(B), 23-1-230(G), 24-22-150, 37-29-110, 38-3-110(5)(c), 38-75-490(D), 40-47-10(A)(4), 44-128-50(B)(2), 46-3-260(A), 48-52-440(D)(2), 48-59-40(A)(4), 51-13-720, 51-13-2120(3), 51-18-115, 54-6-10(B)(3), 59-6-10, 59-40-230(A), 59-46-40(A)(4), 59-150-40(A), 59-150-40(C), 59-150-40(D), 59-150-320, 59-150-325(A), 60-11-150(B), 60-17-10, 63-1-50(A), 63-1-50(B), 63-11-1720(B), 63-11-1720(C), 63-11-1930(A)(11), AND 63-11-2110(B)(4), RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE PRESIDENT OF THE SENATE PRO TEMPORE, SO AS TO REVISE STATUTORY REFERENCES FROM THE PRESIDENT OF THE SENATE PRO TEMPORE TO THE PRESIDENT OF THE SENATE AND TO MAKE ADDITIONAL CLARIFYING CHANGES; TO AMEND SECTIONS 1‑3‑620, 1-11-720(A)(9), 1‑23‑125(B), 1‑23‑125(D), 2‑3‑30, 2-3-90, 7-11-30(A), 7‑17‑10, 9-1-10(11)(g), 9-1-10(14), 10-1-40, 14-27-20(10), 14-27-30, 14-27-40(2), 14-27-80, 43-21-20, 43-21-45, 43-21-60, 43-21-70, 43-21-100, 43-21-130(A)(1), 43-21-190(2), 44-36-310, 44-36-320(7), 44-36-330, 44-56-840(A), 54-7-100, AND 59-6-15(A)(3), RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR, SO AS TO REVISE STATUTORY REFERENCES TO CONFORM TO CONSTITUTIONAL AND STATUTORY CHANGES CONCERNING SELECTION AS PART OF A JOINT TICKET AND TO MAKE THE GOVERNOR RESPONSIBLE FOR THE EXISTING DUTIES AND RESPONSIBILITIES OF THE LIEUTENANT GOVERNOR SO THE GOVERNOR MAY DETERMINE HOW THOSE DUTIES AND RESPONSIBILITIES MAY BE ACCOMPLISHED; AND TO REQUIRE, ON OR BEFORE JANUARY 1, 2019, THE CODE COMMISSIONER TO PREPARE AND DELIVER A REPORT TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES RECOMMENDING ANY ADDITIONAL APPROPRIATE AND CONFORMING CHANGES TO THE 1976 CODE OF LAWS REFLECTING THE PROVISIONS OF THIS ACT.

Amend Title To Conform

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

PART I

Joint Election of Governor and Lieutenant Governor

SECTION 1. Article 3, Chapter 3, Title 1 of the 1976 Code is amended by adding:

“Section 1‑3‑125. Beginning with the Lieutenant Governor elected in the 2018 General Election, in the case of the Lieutenant Governor’s impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term.”

SECTION 2. Article 1, Chapter 11, Title 7 of the 1976 Code is amended by adding:

“Section 7‑11‑12. (A) A person nominated for the office of Governor by primary or convention, or seeking the office of Governor as a petition candidate must designate a qualified elector to be elected jointly as Lieutenant Governor.

(B) A designee for Lieutenant Governor must possess all of the qualifications required to hold the office of Governor.

(1) The appropriate political party shall determine if its gubernatorial candidate’s Lieutenant Governor designee is qualified.

(2) The State Election Commission shall determine whether a gubernatorial petition candidate’s Lieutenant Governor designee is qualified.

(C) No later than August 1, a gubernatorial candidate’s designation for Lieutenant Governor must be in writing and filed either with the appropriate political party, or, in the case of a petition candidate, with the State Election Commission.

(D) No later than August 10, a Lieutenant Governor designee must provide:

(1) to the State Election Commission:

(a) a copy of the gubernatorial candidate’s written designation for Lieutenant Governor, and

(b) a completed statement of intention of candidacy; and

(2) to the State Ethics Commission:

(a) a copy of the completed statement of intention of candidacy; and

(b) a current filed statement of economic interests.

(E)(1) If after being designated and before the general election the Lieutenant Governor candidate dies, becomes disqualified, or resigns for a legitimate nonpolitical reason as defined in Section 7-11-50, the gubernatorial candidate must make a substitution for the Lieutenant Governor candidate no later than ten days after the death, disqualification, or resignation occurs in the format provided in subsection (C).

(2) If a Lieutenant Governor candidate is substituted as provided in item (1) of this subsection, the substituted Lieutenant Governor candidate must file the documents required in subsection (D) no later than ten days after the substitution is made.

(3) The substitutions authorized in items (1) and (2) may be made after the general election if the death, disqualification, or resignation occurs before the general election. If the death, disqualification, or resignation occurs after the general election, the vacancy must be filled as provided in Section 1-3-125 by the Governor elect.

(F) If the Lieutenant Governor candidate is not designated as provided in this section, the party or petition candidate for Governor shall not have his name placed on the ballot for the general election.

(G) A Lieutenant Governor candidate is not required to pay a separate filing fee.

(H) The provisions of Sections 7-11-10 and 7-11-210 are not applicable to a Lieutenant Governor candidate.

(I) If a Lieutenant Governor candidate has solicited or received contributions for another elective office, he must comply with the provisions of Sections 8-13-1350 and 8-13-1352. Any contributions transferred to the single candidate committee of the Governor and Lieutenant Governor elected jointly must comply with the requirements of Section 8-13-1314(A).”

SECTION 3. Article 3, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7-13-315. The State Election Commission shall ensure that the Governor and Lieutenant Governor must be elected jointly so that each voter casts a single vote to elect a Governor and Lieutenant Governor.”

PART II

Campaign Contributions for Governor and Lieutenant Governor

SECTION 4. Article 13, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8-13-1301. For purposes of this article, candidates elected jointly as provided in Article IV, Section 8 of the South Carolina Constitution must be considered a single candidate. The gubernatorial candidate is responsible for:

(1) establishing a single candidate committee for contributions solicited and received for the Governor and Lieutenant Governor elected jointly, and

(2) complying with the requirements of Article 13 of Chapter 13 of Title 8 for the committee established for the joint election.”

SECTION 5. Section 8‑13‑1314 of the 1976 Code is amended to read:

“Section 8‑13‑1314 (A) Within an election cycle, no candidate or anyone acting on his behalf shall solicit or accept, and no person shall give or offer to give to a candidate or person acting on the candidate’s behalf:

(1) a contribution which exceeds:

(a) three thousand five hundred dollars in the case of a candidate for statewide office; or

(b) three thousand five hundred dollars in the aggregate for statewide candidates elected jointly pursuant to Article IV, Section 8 of the South Carolina Constitution; or

(c) one thousand dollars in the case of a candidate for any other office;

(2) a cash contribution from an individual unless the cash contribution does not exceed twenty‑five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor;

(3) a contribution from, whether directly or indirectly, a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election;

(4) contributions for two elective offices simultaneously, except as provided in Section 8‑13‑1318.

(B) The restrictions on contributions in subsections (A)(1) and (A)(2) do not apply to a candidate making a contribution to his own campaign.”

PART III

Time Extensions for Filing

SECTION 6. Section 7-11-15 of the 1976 Code is amended to read:

“Section 7-11-15 (A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy and party pledge and submit any filing fees between noon on March sixteenth and noon on March thirtieth as provided in this section. If March thirtieth is on a Saturday or Sunday, the time for filing extends to the next regular business day. For purposes of this section and Section 7-13-45, ‘next regular business day’ means a day that is not a Saturday, Sunday, or legal holiday.

(1) Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy, and party pledge and submit any filing fees with the State Election Commission.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy and party pledge and submit any filing fees with the State Election Commission or county board of voter registration and elections in the county of their residence. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy and party pledge and submit any filing fees with the county board of voter registration and elections in the county of their residence.

(B) Except as provided herein, the ~~election commission~~ board of voter registration and elections with whom the documents in subsection (A) are filed must provide a copy of all statements of intention of candidacy, the party pledge, receipt and filing fees, to the appropriate political party executive committee within two days following the deadline for filing. If the second day falls on Saturday, Sunday, or a legal holiday, the statement of intention of candidacy, party pledge, and filing fee must be filed by noon the following day that is not a Saturday, Sunday, or legal holiday. No candidate’s name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy and party pledge has not been filed with the county board of voter registration and elections or State Election Commission, as the case may be, as well as any filing fee, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7‑13‑40 and 7‑13‑350, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy. An error or omission by a person seeking to qualify as a candidate pursuant to this section that is not directly related to a constitutional or statutory qualification for that office must be construed in a manner that favors the person’s access to the ballot.

(C) The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The candidate or his agent must file ~~three~~ a signed ~~copies~~ statement of intention of candidacy and the election commission with whom it is filed must stamp ~~each copy~~ the statement with the date and time received, keep ~~one copy~~ the original statement, ~~return one~~ provide a copy to the candidate, and ~~send one~~ provide a copy to the appropriate political party executive committee.

(D) The candidate or his agent must file ~~three~~ a signed ~~copies of the~~ party pledge, as required pursuant to Section 7‑11‑210, and the election commission with whom it is filed must stamp ~~each copy~~ the party pledge with the date and time received, ~~return one~~ provide a copy to the candidate, and ~~send one~~ provide a copy to the appropriate political party executive committee.

(E) The ~~candidate must sign a receipt for the filing fee, and the~~ election commission with whom ~~it~~ the filing fee is filed must issue a receipt for the filing fee, stamp the receipt with the date and time the filing fee was received, provide ~~one~~ a copy to the candidate or his agent, and provide ~~one~~ a copy to the appropriate political executive party. The filing fee must be made payable to the appropriate political party.

(F) If, after the closing of the time for filing the documents required pursuant to this section, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.

(G) The county chairman of a political party and the chairman of the state executive committee of a political party may designate a person to observe the filings made at the election commission pursuant to this section.

(H) The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.”

SECTION 7. Section 7-13-45 of the 1976 Code is amended to read:

“Section 7‑13‑45. ~~(A)~~ In every general election year, the Executive Director of the State Election Commission and the director of each county board of voter registration and elections shall:

(1) ~~establish regular hours of not less than four hours a day~~ accept filings during ~~the final seventy‑two hours~~ the regular business hours on the regular business days of the filing period ~~in which the director or some person he designates must be present to accept filings~~ as required by Section 7‑11‑15;

(2) place an advertisement to appear two weeks before the filing period begins in a newspaper of general circulation in the county at least five by seven inches in size that notifies the public of the dates of the filing periods, the offices which may be filed for, the place and street address where filings may be made, and the hours that an authorized person will be present to receive filings.”

PART IV

Lieutenant Governor Conforming Amendments

SECTION 8. Section 1‑3‑620 of the 1976 Code is amended to read:

“Section 1‑3‑620. ~~Beginning with the term of the Lieutenant Governor elected in 1982, the duties of such office shall be part‑time.~~ Beginning with the term of the Lieutenant Governor elected in the 2018 General Election, except when otherwise provided by law, the Lieutenant Governor shall perform the duties pertaining to the office of Governor as assigned by the Governor. The office of the Lieutenant Governor is a division of the office of the Governor.”

SECTION 9. Section 1-17-20 of the 1976 Code is amended to read:

“Section 1‑17‑20. The standing Committee on Interstate Cooperation of the Senate shall consist of five Senators. The members and chairman of this Committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the Senate. ~~The Lieutenant Governor may serve ex officio as one of the five members of this Committee.~~”

SECTION 10. Section 1‑23‑125(B) of the 1976 Code is amended to read:

“(B) If a majority of a committee determines that it cannot approve a regulation in the form submitted, it shall notify the promulgating agency in writing along with its recommendations as to changes that would be necessary to obtain committee approval. The agency may:

(1) withdraw the regulation from the General Assembly and resubmit it with the recommended changes to the Speaker and the ~~Lieutenant Governor~~ President of the Senate, but ~~any~~ a regulation not resubmitted within thirty days is considered permanently withdrawn;

(2) withdraw the regulation permanently; or

(3) take no action and abide by whatever action is taken or not taken by the General Assembly on the regulation concerned.”

SECTION 11. Section 1‑23‑125(D) of the 1976 Code is amended to read:

“(D) This section, as it applies to approval, disapproval, or modification of regulations, does not apply to joint resolutions introduced by members other than the committees to which regulations are initially referred by the ~~Lieutenant Governor~~ President of the Senate or the Speaker of the House of Representatives.”

SECTION 12. Section 2‑3‑30 of the 1976 Code is amended to read:

“Section 2‑3‑30. Except for legislative days ~~which~~ that, by Senate or House action, are designated for consideration only of local and uncontested matters, members of the General Assembly~~, including the Lieutenant Governor, shall~~ must be paid ~~fifty ($50.00) dollars~~ subsistence expenses for each legislative day as provided by law. Provided, such subsistence allowance ~~shall~~ must be paid for each calendar day occurring within the same legislative day to members of that body in session on each calendar day.”

SECTION 13. Section 2-3-90 of the 1976 Code is amended to read:

“Section 2‑3‑90. The Senate and House of Representatives ~~shall~~ also, at the same time, each for itself, shall elect a reading clerk, a sergeant at arms, and an assistant sergeant at arms. Should a vacancy occur in the sergeant at arms or assistant sergeant at arms while the General Assembly is not in session, the ~~Lieutenant Governor~~ President of the Senate or the Speaker of the House is authorized to appoint for their respective Houses a sergeant at arms or assistant sergeant at arms until the convening of the next General Assembly.”

SECTION 14. Section 7‑11‑30(A) of the 1976 Code, as last amended by Act 196 of 2014, is further amended to read:

“(A) A party may choose to change from nomination of candidates by primary to a method to nominate candidates by convention for all offices including, but not limited to, Governor, ~~Lieutenant Governor,~~ United States Senator, United States House of Representatives, Circuit Solicitor, State Senator, and members of the State House of Representatives if:

(1) there is a three‑fourths vote of the total membership of the convention to use the convention nomination process; and

(2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.”

SECTION 15. Section 7‑17‑10 of the 1976 Code, as last amended by Act 261 of 2002, is further amended to read:

“Section 7‑17‑10. The commissioners of election for Governor~~,~~ and Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat on the Friday next following the election, before one o’clock in the afternoon of that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman ~~shall~~ then shall proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers ~~shall~~ likewise shall meet at the same time at the county seat and ~~shall~~ in the same manner shall proceed to organize as the county board of canvassers for the election of the federal officers.”

SECTION 16. Section 8‑11‑260(k) of the 1976 Code is amended to read:

“(k) staff of the Office of the ~~Lieutenant~~ Governor who report directly to the Lieutenant Governor.”

SECTION 17. Section 8‑17‑370(19) of the 1976 Code is amended to read:

“(19) employees of the Office of the ~~Lieutenant~~ Governor if the employees report directly to the Lieutenant Governor or report directly to a person who reports directly to the Lieutenant Governor.”

SECTION 18. Section 10-1-40 of the 1976 Code is amended to read:

“Section 10‑1‑40. There is hereby established a committee to be known as the ‘State House Committee’, consisting of five members of the Senate, appointed by the ~~Lieutenant Governor~~ President of the Senate and five members of the House of Representatives, appointed by the Speaker, whose duties shall be to review all proposals for alterations and/or renovations to the State House. No alterations or renovations shall be undertaken without the approval of this committee.”

SECTION 19. Section 14-27-20(10) of the 1976 Code is amended to read:

“(10) the ~~Lieutenant Governor~~ President of the Senate or his designee;”

SECTION 20. Section 14-27-30 of the 1976 Code is amended to read:

“Section 14‑27‑30. The Chief Justice of the Supreme Court shall appoint the following members to the Judicial Council: the two circuit court judges; the two family court judges; the two probate judges; the two summary court judges; the two masters‑in‑equity; the Attorney General or one of the Assistant Attorneys General or one of the circuit solicitors; the Dean or member of the faculty of the Law School of the University of South Carolina; one person recommended by the Charleston School of Law; and the six remaining members of the Judicial Council.

The ~~Lieutenant Governor~~ President of the Senate, the Speaker of the House or their designees, the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees, the Director of the Legislative Council, and the President of the South Carolina Bar or his designee all serve ex officio.”

SECTION 21. Section 14-27-40(2) of the 1976 Code is amended to read:

“(2) The ~~Lieutenant Governor~~ President of the Senate, Speaker of the House or their designees, and the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees serve during their respective terms as those officers.”

SECTION 22. Section 14-27-80 of the 1976 Code is amended to read:

“Section 14‑27‑80. The duties performed by the Chief Justice of the Supreme Court, or other member of that court designated by him, by the circuit judges, inferior court judges and probate judges, by members of the legal department of the State, and by the ~~Lieutenant Governor~~ President of the Senate, Speaker of the House, legislative members, director of the Legislative Council and dean of the Law School of the University of South Carolina shall be performed as a part of the duties of their respective offices.”

SECTION 23. Section 44-56-840(A) of the 1976 Code is amended to read:

“Section 44‑56‑840. (A) There is created a Hazardous Waste Management Select Oversight Committee to monitor funds generated from the fees imposed under Section 44‑56‑170(C) and (E) and designated for the fund under Section 44‑56‑810. The committee shall oversee the research efforts and projects approved for funding by the foundation. Notwithstanding any other provision of law, the committee is composed of:

(1) the Governor or his designee;

(2) the chairman of the House Agriculture and Natural Resources Committee or his designee;

(3) the chairman of the Senate Agriculture and Natural Resources Committee or his designee;

(4) the chairman of the House Labor, Commerce and Industry Committee or his designee;

(5) the chairman of the Senate Labor, Commerce and Industry Committee or his designee;

(6) the Director of the Department of Health and Environmental Control or his designee;

(7) one member representing business and industry appointed by the Governor;

(8) one public member appointed by the Governor; and

(9) one member representing environmental interests appointed by the Governor~~;~~

~~(10)~~ ~~the Lieutenant Governor or his designee~~.”

SECTION 24. Section 59-6-15(A) of the 1976 Code is amended to read:

“(A) There is created the Business‑Education Partnership for Excellence in Education and a permanent standing subcommittee of the partnership for the purpose of reviewing the implementation of the South Carolina Education Improvement Act of 1984 and recommending other major education initiatives.

The Business‑Education Partnership for Excellence in Education consists of the following persons:

(1) Thirty‑two prominent civic and business leaders of which fourteen are appointed by the Governor; six appointed by the State Superintendent of Education; three appointed by the Speaker of the House of Representatives; three appointed by the President of the Senate; three appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and three appointed by the Chairman of the Education Committee of the Senate;

(2) Twenty educators of which eight are appointed by the State Superintendent of Education; four appointed by the Governor; two appointed by the Speaker of the House of Representatives; two appointed by the President of the Senate; two appointed by the Chairman of the Education and Public Works Committee of the House of Representatives; and two appointed by the Chairman of the Education Committee of the Senate;

(3) ~~Lieutenant Governor or his designee;~~

~~(4)~~ Chairman of the Committee on Children or his designee;

~~(5)~~(4) Chairman of the Education Oversight Committee or his designee;

~~(6)~~(5) The Governor and State Superintendent of Education shall serve as ex officio members.

The term of office of the members of the Business‑Education Partnership must be four years except that of those first appointed an equal number must serve terms of two, three, and four years respectively as determined by lot. Except in those cases where the term of a member of the Business‑Education Subcommittee has not expired, no member of the Business‑Education Partnership may serve more than two consecutive terms. The number of appointments provided for in items (1) and (2) above must be reduced proportionately by the membership requirements of subsection (B).

The chairman of the Business‑Education Partnership for Excellence in Education must be elected by the members of the partnership and must be chosen from among the thirty‑two business and civic leaders serving on the partnership. The Business‑Education Partnership must meet at the call of the chairman but not less than quarterly. The Governor must preside at all regular and special meetings of the partnership in which he is in attendance; at those meetings at which the Governor is not in attendance the State Superintendent of Education must preside, and in the absence of the Superintendent, the chairman of the partnership must preside.

The partnership in conjunction with the State Department of Education may cause to be held statewide public forums for the purpose of fostering open discussions regarding the impact of the Education Improvement Act on the state's education system and education reform in general.”

PART V

Office or Division on Aging and Related Provisions

SECTION 25. Section 1-11-720(A)(9) of the 1976 Code is amended to read:

“(9) local councils on aging or other governmental agencies providing aging services funded by the ~~Office on Aging, Office of the Lieutenant Governor~~ Department on Aging;”

SECTION 26. Section 1‑30‑10(A) of the 1976 Code is amended to read:

“(A) There are hereby created, within the executive branch of the state government, the following departments:

1. Department of Administration

2. Department of Agriculture

3. Department of Alcohol and Other Drug Abuse Services

4. Department of Commerce

5. Department of Corrections

6. Department of Disabilities and Special Needs

7. Department of Education

8. Department of Health and Environmental Control

9. Department of Health and Human Services

10. Department of Insurance

11. Department of Juvenile Justice

12. Department of Labor, Licensing and Regulation

13. Department of Mental Health

14. Department of Motor Vehicles

15. Department of Natural Resources

16. Department of Parks, Recreation and Tourism

17. Department of Probation, Parole and Pardon Services

18. Department of Public Safety

19. Department of Revenue

20. Department of Social Services

21. Department of Transportation

22. Department of Employment and Workforce

23. Department on Aging.”

SECTION 27. Section 9-1-10(11)(g) of the 1976 Code is amended to read:

“(g) an employee of a local council on aging or other governmental agency providing aging services funded by the ~~Office on Aging,~~ ~~Office of the Lieutenant Governor~~ Department on Aging.”

SECTION 28. Section 9-1-10(14) of the 1976 Code is amended to read:

“(14) ‘Employer’ means this State, a county board of education, a district board of trustees, the board of trustees or other managing board of a state‑supported college or educational institution, or any other agency of this State by which a teacher or employee is paid; the term “employer” also includes a county, municipality, or other political subdivision of the State, or an agency or department of any of these, which has been admitted to the system under the provisions of Section 9‑1‑470, a service organization referred to in item (11)(e) of this section, an alcohol and drug abuse planning agency authorized to receive funds pursuant to Section 61‑12‑20, and a local council on aging or other governmental agency providing aging services funded by the ~~Office on Aging, Office of the Lieutenant Governor~~ Department on Aging.”

SECTION 29. Section 29-4-60(D) of the 1976 Code is amended to read:

“(D) The ~~Office of the Governor, Division on Aging~~ Department on Aging shall provide independent consumer information on reverse mortgages and their alternatives.”

SECTION 30. Section 43-21-10 of the 1976 Code is amended to read:

“Section 43-21-10. There is created ~~in~~ the ~~Office of the Lieutenant Governor, the Division on Aging~~ Department on Aging. The ~~division~~ department must be supported by an Advisory Council on Aging consisting of one member from each of the ten planning and service areas ~~under the Division on Aging~~ and five members from the State at large. The director of the ~~division~~ department shall provide statewide notice that nominations may be submitted to the director from which the ~~Lieutenant~~ Governor shall appoint the members of the council. The members must be citizens of the State who have an interest in and a knowledge of the problems of an aging population. In making appointments to the council, consideration must be given to assure that the council is composed of appointees who are diverse in age, who are able and disabled, and who are active leaders in organizations and institutions that represent different concerns of older citizens and their families. The chair must be elected by the members of the advisory council from its members for a term of two years and until a successor is elected. Members of the council shall serve without compensation but shall receive mileage and subsistence authorized by law for members of boards, commissions, and committees. The advisory council shall meet at least once each quarter and special meetings may be called at the discretion of the director of the ~~division~~ department. Rules and procedures must be adopted by the council for the governance of its operations and activities.”

SECTION 31. Section 43-21-20 of the 1976 Code is amended to read:

“Section 43-21-20. The members of the advisory council shall serve for terms of four years and until their successors are appointed and qualify. The terms of the members expire on June thirtieth and all vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. No member may serve more than two consecutive terms.

The ~~Lieutenant~~ Governor may terminate a member of the council for any reason pursuant to the provisions of Section 1 3 240, and the reason for the termination must be communicated to each member of the council.”

SECTION 32. Section 43-21-45 of the 1976 Code is amended to read:

“Section 43‑21‑45. The ~~Office of the Lieutenant Governor, Division on Aging,~~ Department on Aging shall designate area agencies on aging, and area agencies on aging shall designate focal points. Focal points shall provide leadership on aging issues in their respective communities and shall carry out a comprehensive service system for older adults or shall coordinate with a comprehensive service system in providing services for older adults. The area agencies on aging represent the regional level of the state aging network and the focal points represent the local level of the state aging network.”

SECTION 33. Section 43-21-60 of the 1976 Code is amended to read:

“Section 43‑21‑60. The ~~division~~ Department on Aging shall submit an annual report to the ~~Lieutenant~~ Governor and to the General Assembly on or before January first of each year. The report shall deal with the present and future needs of the elderly and with the work of the ~~division~~ department during the year.”

SECTION 34. Section 43-21-70 of the 1976 Code is amended to read:

“Section 43‑21‑70. The ~~Lieutenant~~ Governor ~~may employ~~ shall appoint with the advice and consent of the Senate a director to be the administrative officer of the ~~division~~ Department on Aging who shall serve at ~~his~~ the Governor’s pleasure and who is subject to removal pursuant to the provisions of Section 1‑3‑240.”

SECTION 35. Section 43-21-100 of the 1976 Code is amended to read:

“Section 43‑21‑100. The ~~division~~ Department on Aging shall prepare the budget for its operation which must be submitted to the ~~Lieutenant~~ Governor and to the General Assembly for approval.”

SECTION 36. Section 43-21-130(A)(1) of the 1976 Code is amended to read:

“(1) the ~~Lieutenant~~ Governor or his designee;”

SECTION 37. Section 43-21-190(2) of the 1976 Code is amended to read:

“(2) make recommendations to the ~~Lieutenant~~ Governor and members of the General Assembly and to the Joint Legislative Committee on Aging;”

SECTION 38. Section 44-21-130(A)(1) of the 1976 Code is amended to read:

“(1) the ~~Lieutenant~~ Governor or his designee;”

SECTION 39. Section 44-21-190(2) of the 1976 Code is amended to read:

“(2) make recommendations to the ~~Lieutenant~~ Governor and members of the General Assembly and to the Joint Legislative Committee on Aging;”

SECTION 40. Section 44-36-20(21) of the 1976 Code is amended to read:

“(21) Alzheimer's Disease and Related Disorders Resource Coordination Center, ~~Office of the Governor, Division on Aging~~ Department on Aging;”

SECTION 41. Section 44-36-50 of the 1976 Code is amended to read:

“Section 44-36-50. The registry shall submit an annual report to the ~~Office of the Governor, Division on Aging,~~ Department on Aging’ Alzheimer’s Disease and Related Disorders Resource Coordination Center, the Department of Health and Environmental Control, and the Office of Research and Statistics of the Revenue and Fiscal Affairs Office.”

SECTION 42. Section 44-36-310 of the 1976 Code is amended to read:

“Section 44‑36‑310. ~~There~~ In the Department on Aging, there is created ~~in the~~ ~~Office of the Lieutenant Governor, Division on Aging,~~ the Alzheimer’s Disease and Related Disorders Resource Coordination Center to provide statewide coordination, service system development, information and referral, and caregiver support services to individuals with Alzheimer’s disease and related disorders, their families, and caregivers.”

SECTION 43. Section 44-36-320(7) of the 1976 Code is amended to read:

“(7) submit an annual report to the Chairman of the Medical Affairs Committee of the Senate and the Chairman of the Medical, Military, Public and Municipal Affairs Committee of the House of Representatives in addition to publishing the report on the ~~Lieutenant~~ Governor’s website.”

SECTION 44. Section 44-36-330 of the 1976 Code is amended to read:

“Section 44‑36‑330. (A) The Alzheimer’s Disease and Related Disorders Resource Coordination Center must be supported by an advisory council appointed by the ~~Lieutenant~~ Governor including, but not limited to, representatives of:

(1) Alzheimer’s Association Chapters;

(2) American Association of Retired Persons;

(3) Clemson University;

(4) Department of Disabilities and Special Needs;

(5) Department of Health and Environmental Control;

(6) Department of Mental Health;

(7) Department of Social Services;

(8) Department of Health and Human Services;

(9) Medical University of South Carolina;

(10) National Association of Social Workers, South Carolina Chapter;

(11) South Carolina Adult Day Care Association;

(12) South Carolina Association of Area Agencies on Aging;

(13) South Carolina Association of Council on Aging Directors;

(14) South Carolina Association of Nonprofit Homes for the Aging;

(15) South Carolina Association of Residential Care Homes;

(16) South Carolina Health Care Association;

(17) South Carolina Home Care Association;

(18) South Carolina Hospital Association;

(19) South Carolina Medical Association;

(20) South Carolina Nurses’ Association;

(21) Statewide Alzheimer’s Disease and Related Disorders Registry;

(22) University of South Carolina;

(23) South Carolina State University.

(B) Members of the advisory council are not entitled to mileage, per diem, subsistence, or any other form of compensation.”

PART VI

Code Commissioner’s Report

SECTION 45. On or before January 1, 2019, the Code Commissioner shall prepare and deliver a report to the President of the Senate and the Speaker of the House of Representatives recommending any additional appropriate and conforming changes to the 1976 Code of Laws reflecting the provisions of this act.

PART VII

Joint Legislative Committee on Aging’s Report

SECTION 46. On or before January 1, 2019, the Joint Legislative Committee on Aging shall prepare and deliver a report to the President of the Senate and the Speaker of the House of Representatives recommending any additional changes to the Department on Aging created by this act to enhance efficient and cost effective delivery of services to the aging community in accordance with the federal Older Americans Act.

PART VIII

Severability

SECTION 47. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

PART IX

Effective Dates

SECTION 48. PARTS I and II of this act take effect upon approval by the Governor and are applicable to the 2018 General Election. PARTS III, IV, and V take effect on January 1, 2019. All other PARTS take effect upon approval by the Governor.

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