**South Carolina General Assembly**

122nd Session, 2017-2018

**S. 107**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Hutto, Massey, Hembree and Fanning

Document Path: l:\s-jud\bills\campsen\jud0011.pb.docx

Companion/Similar bill(s): 1120, 3159, 4977

Introduced in the Senate on January 10, 2017

Introduced in the House on February 28, 2017

Last Amended on June 28, 2018

Passed by the General Assembly on June 28, 2018

Summary: Joint Election of Governor and Lieutenant Governor

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2016 Senate Prefiled

12/13/2016 Senate Referred to Committee on **Judiciary**

1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 62](file:///h:\sj\20170110.docx))

1/10/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 62](file:///h:\sj\20170110.docx))

1/26/2017 Senate Referred to Subcommittee: Campsen (ch), Hutto, Massey

2/8/2017 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 11](file:///h:\sj\20170208.docx))

2/14/2017 Senate Special order, set for February 14, 2017 ([Senate Journal‑page 26](file:///h:\sj\20170214.docx))

2/14/2017 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 26](file:///h:\sj\20170214.docx))

2/16/2017 Senate Debate interrupted ([Senate Journal‑page 18](file:///h:\sj\20170216.docx))

2/21/2017 Senate Committee Amendment Amended ([Senate Journal‑page 15](file:///h:\sj\20170221.docx))

2/21/2017 Senate Debate interrupted ([Senate Journal‑page 15](file:///h:\sj\20170221.docx))

2/22/2017 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 14](file:///h:\sj\20170222.docx))

2/22/2017 Senate Amended ([Senate Journal‑page 14](file:///h:\sj\20170222.docx))

2/22/2017 Senate Read second time ([Senate Journal‑page 14](file:///h:\sj\20170222.docx))

2/22/2017 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 14](file:///h:\sj\20170222.docx))

2/23/2017 Senate Read third time and sent to House ([Senate Journal‑page 33](file:///h:\sj\20170223.docx))

2/23/2017 Scrivener's error corrected

2/28/2017 House Introduced and read first time ([House Journal‑page 37](file:///h:\hj\20170228.docx))

2/28/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 37](file:///h:\hj\20170228.docx))

4/26/2017 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 113](file:///h:\hj\20170426.docx))

5/2/2017 House Amended ([House Journal‑page 27](file:///h:\hj\20170502.docx))

5/2/2017 House Read second time ([House Journal‑page 40](file:///h:\hj\20170502.docx))

5/2/2017 House Roll call Yeas‑86 Nays‑12 ([House Journal‑page 43](file:///h:\hj\20170502.docx))

5/3/2017 House Read third time and returned to Senate with amendments ([House Journal‑page 9](file:///h:\hj\20170503.docx))

5/3/2017 Scrivener's error corrected

5/4/2017 Scrivener's error corrected

5/11/2017 Senate House amendment amended ([Senate Journal‑page 117](file:///h:\sj\20170511.docx))

5/11/2017 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 117](file:///h:\sj\20170511.docx))

5/11/2017 Senate Returned to House with amendments ([Senate Journal‑page 117](file:///h:\sj\20170511.docx))

5/11/2017 House Non‑concurrence in Senate amendment ([House Journal‑page 65](file:///h:\hj\20170511.docx))

5/11/2017 House Roll call Yeas‑0 Nays‑90 ([House Journal‑page 67](file:///h:\hj\20170511.docx))

5/11/2017 Senate Senate insists upon amendment and conference committee appointed Campsen, Malloy, Massey ([Senate Journal‑page 142](file:///h:\sj\20170511.docx))

5/11/2017 House Conference committee appointed GM Smith, JE Smith, McCoy ([House Journal‑page 113](file:///h:\hj\20170511.docx))

2/1/2018 House Reps. Simrill and Rutherford replaced McCoy and JE Smith on conference committee ([House Journal‑page 3](file:///h:\hj\20180201.docx))

6/28/2018 House Free conference powers granted

6/28/2018 House Roll call Yeas‑101 Nays‑0

6/28/2018 Senate Free conference powers granted ([Senate Journal‑page 28](file:///h:\sj\20180628.docx))

6/28/2018 Senate Free conference committee appointed Campsen, Malloy, Massey ([Senate Journal‑page 28](file:///h:\sj\20180628.docx))

6/28/2018 Senate Free conference report received and adopted ([Senate Journal‑page 28](file:///h:\sj\20180628.docx))

6/28/2018 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 28](file:///h:\sj\20180628.docx))

6/28/2018 House Free conference committee appointed GM Smith, Simrill, Rutherford

6/28/2018 House Free conference report adopted

6/28/2018 House Roll call Yeas‑84 Nays‑0

6/28/2018 House Ordered enrolled for ratification

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=107&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/13/2016](file:///p:\pprever\2017-18\107_20161213.docx)

[2/8/2017](file:///p:\pprever\2017-18\107_20170208.docx)

[2/22/2017](file:///p:\pprever\2017-18\107_20170222.docx)

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[4/26/2017](file:///p:\pprever\2017-18\107_20170426.docx)

[5/2/2017](file:///p:\pprever\2017-18\107_20170502.docx)

[5/3/2017](file:///p:\pprever\2017-18\107_20170503.docx)

[5/4/2017](file:///p:\pprever\2017-18\107_20170504.docx)

[5/11/2017](file:///p:\pprever\2017-18\107_20170511.docx)

[5/11/2017](file:///p:\pprever\2017-18\107_20170511.docx)

[5/11/2017-A](file:///p:\pprever\2017-18\107_20170511A.docx)

[6/28/2018](file:///\\netapp\Common_spc\pprever\2017-18\107_20180628.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(R290, S107)

**AN ACT TO AMEND SECTION 1‑11‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES AND RETIREES ARE ELIGIBLE FOR STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO UPDATE A REFERENCE TO THE DEPARTMENT ON AGING; TO AMEND SECTION 1‑30‑10, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DESIGNATE THE DEPARTMENT ON AGING AS A DEPARTMENT WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; TO AMEND SECTION 9‑1‑10, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO UPDATE TWO REFERENCES TO THE DEPARTMENT ON AGING; TO AMEND SECTION 29‑4‑60, RELATING TO INDEPENDENT INFORMATION AND COUNSELING SERVICES REGARDING REVERSE MORTGAGES, SO AS TO UPDATE A REFERENCE TO THE DEPARTMENT ON AGING; TO AMEND SECTIONS 43‑21‑10, 43‑21‑20, 43‑21‑45, 43‑21‑60, 43‑21‑70, 43‑21‑100, 43‑21‑130, AND 43‑21‑190, ALL RELATING TO THE DIVISION AND ADVISORY COUNCIL ON AGING, SO AS TO UPDATE REFERENCES TO THE DEPARTMENT ON AGING; AND TO AMEND SECTIONS 44‑36‑20, 44‑36‑50, 44‑36‑310, 44‑36‑320, AND 44‑36‑330, ALL RELATING TO THE ALZHEIMER’S DISEASE REGISTRY OR THE ALZHEIMER’S DISEASE AND RELATED DISORDERS RESOURCE COORDINATION CENTER, SO AS TO UPDATE REFERENCES TO THE DEPARTMENT ON AGING.**

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

PART I

Office or Division on Aging and Related Provisions

**Entities whose employees and retirees are eligible for state health and dental insurance plans**

SECTION 1. 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 Department on Aging;”

**Departments of State Government**

SECTION 2. 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.”

**Definitions applicable to the South Carolina Retirement System**

SECTION 3. 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 Department on Aging.”

**Definitions applicable to the South Carolina Retirement System**

SECTION 4. 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 Department on Aging.”

**Independent information and counseling services regarding reverse mortgages**

SECTION 5. Section 29‑4‑60(D) of the 1976 Code is amended to read:

“(D) The Department on Aging shall provide independent consumer information on reverse mortgages and their alternatives.”

**Department on Aging created**

SECTION 6. Section 43‑21‑10 of the 1976 Code is amended to read:

“Section 43‑21‑10. There is created the Department on Aging. The department must be supported by an Advisory Council on Aging consisting of one member from each of the ten planning and service areas and five members from the State at large. The director of the department shall provide statewide notice that nominations may be submitted to the director from which the 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 department. Rules and procedures must be adopted by the council for the governance of its operations and activities.”

**Advisory Council on Aging, terms of members, vacancies, and termination of appointments**

SECTION 7. 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 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.”

**Area agencies on aging designated**

SECTION 8. Section 43‑21‑45 of the 1976 Code is amended to read:

“Section 43‑21‑45. The 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.”

**Submission and contents of annual report**

SECTION 9. Section 43‑21‑60 of the 1976 Code is amended to read:

“Section 43‑21‑60. The Department on Aging shall submit an annual report to the 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 department during the year.”

**Employment of Department on Aging director**

SECTION 10. Section 43‑21‑70 of the 1976 Code is amended to read:

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

**Preparation and approval of Department on Aging budget**

SECTION 11. Section 43‑21‑100 of the 1976 Code is amended to read:

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

**Long Term Care Council, composition**

SECTION 12. Section 43‑21‑130(A)(1) of the 1976 Code is amended to read:

“(1) the Governor or his designee;”

**Model legislature on aging issues**

SECTION 13. Section 43‑21‑190(2) of the 1976 Code is amended to read:

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

**Alzheimer**’**s Disease Registry Advisory Committee, membership, duties**

SECTION 14. Section 44‑36‑20(21) of the 1976 Code is amended to read:

“(21) Alzheimer’s Disease and Related Disorders Resource Coordination Center of the Department on Aging;”

**Alzheimer**’**s Disease Registry annual report requirement**

SECTION 15. 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 Alzheimer’s Disease and Related Disorders Resource Coordination Center of the Department on Aging, the Department of Health and Environmental Control, and the Office of Research and Statistics of the Revenue and Fiscal Affairs Office.”

**Alzheimer**’**s Disease and Related Disorders Resource Coordination Center created**

SECTION 16. Section 44‑36‑310 of the 1976 Code is amended to read:

“Section 44‑36‑310. In the Department on Aging, there is created 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.”

**Duties of Alzheimer**’**s Disease and Related Disorders Resource Coordination Center**

SECTION 17. 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 Governor’s website.”

**Alzheimer**’**s Disease and Related Disorders Resource Coordination Center advisory council**

SECTION 18. 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 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 II

Joint Legislative Committee on Aging’s Report

**Joint Legislative Committee on Aging**’**s report**

SECTION 19. 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 III

Severability

**Severability**

SECTION 20. 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 IV

Effective Dates

**Time effective**

SECTION 21. PART I takes effect on January 1, 2019. All other PARTS take effect upon approval by the Governor.

Ratified the 29th day of June, 2018.

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*President of the Senate*

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*Speaker of the House of Representatives*

Approved the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2018.

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*Governor*

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