

NO. 38

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

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WEDNESDAY, MARCH 14, 2018

**Wednesday, March 14, 2018**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Leviticus 19:15

“Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly.”

Let us pray. Gracious and benevolent God, You love us just as we are. You do not see us through a glass dimly but rather clearly into the depths of our soul. We are judged not by our appearance, nor our intellect, nor our success, but rather by our hearts.

Your commandments teach us to love You with all our heart and our neighbors as ourselves. Yet we allow prejudice to distort our perception of ourselves and our neighbors. Prejudice is the poison of the soul and the great deceiver of our actions.

Prejudice is also the easiest thing to teach our children, as it gives them a false sense of superiority and importance; therefore, O God, we pray that You will open our hearts and our minds to the dignity and worth of all people, so that we might effectively, fairly and honorably serve You, our families and the people of the great State of South Carolina. For it is in Your holy name that we pray, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Point of Quorum**

At 12:04 P.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Bennett	Campsen
Cash	Cromer	Davis
Goldfinch	Gregory	Hutto

[SJ]

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Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
McElveen	Nicholson	Peeler
Rice	Scott	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Williams

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

**Statewide Appointments**

Initial Appointment, John de la Howe School Board of Trustees, with the term to commence April 1, 2018, and to expire April 1, 2023

At-Large:

James C. Kesler, 1970 Trinity Church Road, Newberry, SC 29108-8747  
*VICE* Patricia Sara Silva

Referred to the Committee on Education.

Initial Appointment, South Carolina Commission on Higher Education, with the term to commence July 1, 2018, and to expire July 1, 2020

Public Research Institutions:

James A. Battle, Jr., Post Office Box 536, Nichols, SC 29581-0536  
*VICE* Louis B. Lynn

Referred to the Committee on Education.

Initial Appointment, John de la Howe School Board of Trustees, with the term to commence April 1, 2018, and to expire April 1, 2023

At-Large:

Ronald M. Davis, 115 La Port Drive, Greenwood, SC 29649-9179  
*VICE* Daniel B. Shonka

Referred to the Committee on Education.

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**Local Appointments**

Initial Appointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Theresa J. Leinbach, 1635 Folly Creek Way, Charleston, SC 29412-9573

Initial Appointment, Calhoun County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jeffrey Bloom, 143 Buckhead Lane, Sandy Run, SC 29160 *VICE*  
Robert R. Lake

**REGULATIONS WITHDRAWN**

The following were received:

Document No. 4785

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-5-65

SUBJECT: Disposition of Instructional Materials Samples after State Adoption Process

Received by Lieutenant Governor January 9, 2018

Referred to Committee on Education

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn March 12, 2018

Document No. 4786

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(7), 59-31-210, and 59-31-360

SUBJECT: Free Textbooks

Received by Lieutenant Governor January 9, 2018

Referred to Committee on Education

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn March 12, 2018

Document No. 4787

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(7), 59-5-90, 59-31-30, 59-31-40, 59-31-50, 59-31-210, and 59-31-510 et seq.

SUBJECT: Textbook Adoption Regulation

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Received by Lieutenant Governor January 9, 2018  
Referred to Committee on Education  
Legislative Review Expiration: Permanently Withdrawn  
Permanently Withdrawn March 12, 2018

**Doctor of the Day**

Senator SENN introduced Dr. William Anderson III, Columbia, S.C.,  
Doctor of the Day.

**Leave of Absence**

At 12:53 P.M., Senator CAMPBELL requested a leave of absence for  
Senator GROOMS until 2:30 P.M.

**Leave of Absence**

At 12:54 P.M., Senator MASSEY requested a leave of absence for  
Senator GOLDFINCH for the day.

**Leave of Absence**

At 12:54 P.M., Senator BENNETT requested a leave of absence for  
Senator HEMBREE for March 14, 2018 and March 15, 2018.

**Leave of Absence**

At 3:49 P.M., Senator TURNER requested a leave of absence for  
Senator TALLEY for the balance of the day.

**Expression of Personal Interest**

Senator MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator GREGORY rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bill:  
S. 1083      Sens. Campbell and Verdin

**Privilege of the Chamber**

On motion of Senator DAVIS, on behalf of Senator REESE, the  
Privilege of the Chamber, to that area behind the rail, was extended to  
Todd "Banjoman" Taylor on the occasion of the second Tuesday in  
March each year being named South Carolina Banjo Day.

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**RECALLED AND ADOPTED**

S. 1115 -- Senator Cromer: A SENATE RESOLUTION TO HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THAT THE SOUTH CAROLINA NATIONAL GUARD MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION AND TO RECOGNIZE TUESDAY, MARCH 20, 2018, AS "NATIONAL GUARD DAY" IN SOUTH CAROLINA.

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Invitations.

The Resolution was recalled from the Committee on Invitations.

Senator DAVIS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution. The Resolution was adopted.

**RECALLED AND ADOPTED**

H. 5095 -- Reps. J.E. Smith, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McGinnis, McKnight, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pendarvis, Pitts, Pope, Putnam, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, Williams, Willis, Young and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE MANY SACRIFICES AND VALUABLE CONTRIBUTIONS THE SOUTH CAROLINA NATIONAL GUARD

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MAKES TO PROTECT THE FREEDOM, DEMOCRACY, AND SECURITY OF OUR STATE AND NATION AND TO DECLARE TUESDAY, MARCH 20, 2018, "NATIONAL GUARD DAY" IN SOUTH CAROLINA.

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the General Committee.

The Resolution was recalled from the General Committee.

Senator DAVIS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator DAVIS, the Resolution was adopted and ordered sent to the House.

**RECALLED**

S. 1103 -- Senators Williams and McLeod: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF PENDERBORO ROAD (SC 34-39) FROM THE INTERSECTION OF 501 BYPASS TO THE INTERSECTION OF WELLWOOD ROAD IN MARION, SOUTH CAROLINA "REVEREND DR. A.C. ROBINSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS SECTION OF ROAD CONTAINING THE DESIGNATION.

Senator WILLIAMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1116 -- Senator Timmons: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE GREENVILLE HEALTH SYSTEM, SO AS TO CHANGE THE NAME TO GREENVILLE HEALTH AUTHORITY, AND TO

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PROVIDE FOR THE FULFILLMENT OF GREENVILLE HEALTH AUTHORITY'S PURPOSE THROUGH THE OPERATION OF FACILITIES AND DELIVERY OF SERVICES BY AGREEMENT WITH NONPROFIT ENTITIES; AND TO RATIFY THE ACTIONS OF THE GREENVILLE HEALTH SYSTEM IN ENTERING INTO THE AMENDED MASTER AFFILIATION AGREEMENT AND THE LEASE AND CONTRIBUTION AGREEMENT.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1117 -- Senator McLeod: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 1 OF THE 1976 CODE, RELATING TO THE APPOINTMENT AND REMOVAL OF OFFICERS, BY ADDING SECTION 1-3-235, TO ESTABLISH A SOUTH CAROLINA AMBASSADOR OF JAZZ APPOINTED BY THE GOVERNOR.

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Read the first time and referred to the General Committee.

S. 1118 -- Senator Gregory: A BILL TO AMEND ARTICLE 5, CHAPTER 23, TITLE 16 OF THE 1976 CODE, RELATING TO MISCELLANEOUS OFFENSES INVOLVING WEAPONS, BY ADDING SECTION 16-23-540 TO PROHIBIT THE POSSESSION, DISTRIBUTION, OR MANUFACTURE OF A DEVICE, PART, COMPONENT, ATTACHMENT, OR ACCESSORY INTENDED TO ACCELERATE THE RATE OF FIRE OF A SEMIAUTOMATIC FIREARM, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS SECTION, AND TO ALLOW EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES; TO AMEND ARTICLE 1, CHAPTER 31, TITLE 23, RELATING TO THE PURCHASE OF RIFLES AND SHOTGUNS, BY ADDING SECTION 23-31-30, TO PROVIDE THAT NO PERSON UNDER THE AGE OF TWENTY-ONE MAY PURCHASE A RIFLE; TO AMEND ARTICLE 5, CHAPTER 31, TITLE 23, RELATING TO THE USE AND POSSESSION OF MACHINE GUNS, SAWED-OFF SHOTGUNS, AND RIFLES, BY ADDING SECTION 23-31-335, TO PROHIBIT THE SALE, TRANSFER, AND POSSESSION OF LARGE CAPACITY MAGAZINES; AND TO DEFINE NECESSARY TERMS.

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Read the first time and referred to the Committee on Judiciary.



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S. 1119 -- Senator Corbin: A JOINT RESOLUTION TO PROVIDE FOR AN ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2018 GENERAL ELECTION TO DETERMINE WHETHER THE QUALIFIED ELECTORS OF GREENVILLE COUNTY FAVOR THE GREENVILLE HEALTH SYSTEM BEING GOVERNED BY A BOARD OF DIRECTORS NOMINATED AND APPOINTED BY THE GREENVILLE COUNTY LEGISLATIVE DELEGATION AND TO DETERMINE WHETHER THE QUALIFIED ELECTORS OF GREENVILLE COUNTY FAVOR AGREEMENTS BY THE GREENVILLE HEALTH SYSTEM TO LEASE ITS ASSETS TO A PRIVATE ENTITY FOR UP TO ONE HUNDRED YEARS FOR ONE DOLLAR A YEAR BEING DEEMED NULL AND VOID.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

**REPORTS OF STANDING COMMITTEES**

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 172 -- Senators Shealy, Verdin and McLeod: A BILL TO AMEND ARTICLE 11, CHAPTER 3, TITLE 16 OF THE 1976 CODE, RELATING TO MISCELLANEOUS OFFENSES AGAINST THE PERSON, TO PROVIDE THAT STRANGULATION IS THE RESTRICTING OF AIR FLOW OR BLOOD CIRCULATION OF A PERSON BY EXTERNAL PRESSURE TO THE THROAT OR NECK, OR THE BLOCKING OF THE NOSE OR MOUTH OF ANOTHER PERSON; TO PROVIDE THAT A PERSON WHO COMMITS THE OFFENSE OF STRANGULATION IS GUILTY OF A FELONY AND, UPON CONVICTION, MUST BE IMPRISONED FOR NOT MORE THAN FIVE YEARS; AND TO PROVIDE THAT IT IS AN AFFIRMATIVE DEFENSE IF AN ACT CONSTITUTING STRANGULATION WAS THE RESULT OF A LEGITIMATE MEDICAL PROCEDURE.

Ordered for consideration tomorrow.

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Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 431 -- Senators Senn and Campsen: A BILL TO AMEND ARTICLE 5, CHAPTER 23, TITLE 16 OF THE 1976 CODE, RELATING TO MISCELLANEOUS OFFENSES INVOLVING WEAPONS, BY ADDING SECTION 16-23-540, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO THREATEN, SOLICIT ANOTHER TO THREATEN, OR CONSPIRE TO THREATEN TO CAUSE DAMAGE, INJURY, OR DEATH OR TO CAUSE DAMAGE TO OR DESTROY A BUILDING OR OTHER REAL OR PERSONAL PROPERTY BY USE OF A FIREARM ON ANY PREMISES OR PROPERTY OWNED, OPERATED, OR CONTROLLED BY A PRIVATE OR PUBLIC SCHOOL, COLLEGE, UNIVERSITY, TECHNICAL COLLEGE, OR OTHER POST-SECONDARY INSTITUTION OR IN ANY PUBLICLY OWNED BUILDING; TO PROVIDE THAT A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR; TO PROVIDE THAT A PERSON WHO VIOLATES THIS SECTION RESULTING IN PROPERTY DAMAGE IS GUILTY OF A MISDEMEANOR; AND TO PROVIDE THAT A PERSON WHO VIOLATES THIS SECTION BY CAUSING INJURY OR DEATH IS GUILTY OF A FELONY.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 541 -- Senator Shealy: A BILL TO AMEND SECTION 63-7-20(6) OF THE 1976 CODE, RELATING TO THE CHILD PROTECTION AND PERMANENCY DEFINITIONS TO PROVIDE THAT A CHILD VICTIM OF SEX TRAFFICKING OR SEVERE FORMS OF TRAFFICKING IN PERSONS IS A VICTIM OF CHILD ABUSE OR NEGLECT.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 777 -- Senator Senn: A BILL TO AMEND SECTIONS 61-4-515 AND 61-6-2016 OF THE 1976 CODE, RELATING TO PERMITS TO PURCHASE AND SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION AND A BIENNIAL LICENSE TO PURCHASE ALCOHOLIC LIQUORS BY THE DRINK AT A MOTORSPORTS ENTERTAINMENT COMPLEX, TENNIS SPECIFIC COMPLEX, OR

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BASEBALL COMPLEX, TO INCLUDE SOCCER COMPLEX AND TO PROVIDE A DEFINITION FOR "SOCCER COMPLEX".

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 833 -- Senator Goldfinch: A BILL TO AMEND SECTION 4-9-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF A COUNTY GOVERNMENT, SO AS TO AUTHORIZE THE GOVERNING BODY OF A COUNTY TO ADOPT BY ORDINANCE THE REQUIREMENT THAT A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER SHALL KEEP A LOT OR OTHER PROPERTY CLEAN AND FREE OF RUBBISH, TO PROVIDE A PROCEDURE FOR ENFORCEMENT OF THE ORDINANCE, AND TO PROVIDE EXEMPTIONS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 854 -- Senators Sheheen, Scott and Nicholson: A BILL TO AMEND SECTIONS 9-1-1540, 9-9-65, AND 9-11-80, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISABILITY RETIREMENT FOR MEMBERS OF THE SOUTH CAROLINA RETIREMENT SYSTEM, THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, AND THE POLICE OFFICERS RETIREMENT SYSTEM, RESPECTIVELY, SO AS TO PROVIDE THAT A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION FOR DISABILITY RETIREMENT IS FILED IF THE LAST DAY THE MEMBER WAS EMPLOYED IN THE SYSTEM OCCURRED NOT MORE THAN ONE YEAR BEFORE THE DATE OF FILING.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 928 -- Senators Scott, Jackson, McLeod, Campbell and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO PROVIDE THAT A SPECIAL PURPOSE DISTRICT THAT HAS ACQUIRED A WORK OF ART BY GIFT, BEQUEST, PURCHASE, OR BY OTHER

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MEANS, MAY TRANSFER OWNERSHIP OF THE OBJECT TO A NONPROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF DISPLAYING WORKS OF ART FOR SUCH CONSIDERATION OR UPON THE TERMS THE GOVERNING BODY OF THE SPECIAL PURPOSE DISTRICT, IN ITS DISCRETION, FINDS TO BE SUFFICIENT AND APPROPRIATE.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

S. 1041 -- Senator Davis: A BILL TO AMEND PART 1, CHAPTER 6, TITLE 37 OF THE 1976 CODE, BY ADDING SECTION 37-6-119, TO DEFINE AND PROHIBIT UNFAIR PRACTICES TARGETING VULNERABLE ADULTS BY OBTAINING MONEY, PROPERTY, OR PERSONALLY IDENTIFYING INFORMATION THROUGH DECEPTION, INTIMIDATION, UNDUE INFLUENCE, OR FALSE MISLEADING, OR DECEPTIVE ACTS OR PRACTICES; TO PROVIDE A RIGHT OF ACTION, RECOVERY AMOUNTS, AND PENALTIES; AND TO PROVIDE THAT THE REMEDIAL PROVISIONS OF THIS CHAPTER ARE CUMULATIVE.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable report on:

S. 1042 -- Senator Gambrell: A BILL TO AMEND SECTION 38-1-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DEFINE THE TERM "INTERNATIONAL MAJOR MEDICAL INSURANCE" AND TO INCLUDE THIS FORM OF INSURANCE IN THE DEFINITION FOR THE TERM "SURPLUS LINES INSURANCE".

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 1067 -- Senators Cromer, Scott, Bennett, Gambrell, Hutto, Williams and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA COVERING AUTISM RESPONSIBLY FOR EVERYONE (SC CARES) ACT"; BY ADDING SECTION 38-74-65 SO AS TO ESTABLISH THE SOUTH CAROLINA COVERING

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AUTISM RESPONSIBLY FOR EVERYONE PROGRAM, TO PROVIDE FUNDING FOR THE PROGRAM, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR THE PROGRAM, AND TO AUTHORIZE THE AWARD OF PREMIUM ASSISTANCE FOR APPROVED APPLICANTS; AND BY ADDING SECTION 11-11-250 SO AS TO CREATE THE PALMETTO AUTISM TRUST FUND.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4727 -- Reps. White, Hardee, Yow, Huggins, Jefferson, Hosey, Anderson, West, Hewitt, Finlay, Ott, Duckworth, Sandifer, Davis, Clary, B. Newton, J.E. Smith, Rutherford, Bernstein, W. Newton, Herbkersman, McCoy, Lowe, Elliott and S. Rivers: A BILL TO AMEND SECTION 48-59-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO EXTEND VOTING PRIVILEGES TO CERTAIN MEMBERS AND TO PROHIBIT CERTAIN MEMBERS FROM SERVING AS CHAIRMAN; TO AMEND SECTION 48-59-50, RELATING TO THE POWERS AND DUTIES OF THE SOUTH CAROLINA CONSERVATION BANK, SO AS TO REQUIRE THE BANK TO DEVELOP CRITERIA AND A CONSERVATION PRIORITIZATION MAP, AND TO PROHIBIT THE AWARD OF A GRANT OR LOAN UNLESS THE FUNDS ARE PRESENTLY AVAILABLE IN THE TRUST FUND; TO AMEND SECTION 48-59-70, RELATING TO GRANTS OR LOANS FOR LAND INTERESTS, SO AS TO EXPAND THE CONSERVATION CRITERIA TO INCLUDE THE VALUE OF THE PROPOSAL FOR ACCESS TO THE PUBLIC, TO REQUIRE CERTAIN ACCESS DISCLOSURES ON A GRANT OR LOAN APPLICATION, AND TO PROHIBIT THE PURCHASE OF A CONSERVATION EASEMENT FOR MORE THAN FIVE HUNDRED THOUSAND DOLLARS; TO REPEAL SECTION 12-24-95 RELATING TO THE PORTION OF THE DEED RECORDING FEE CREDITED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND; AND TO REPEAL SECTION 7 OF ACT 200 OF 2002 RELATING TO THE REQUIREMENT TO PERIODICALLY REAUTHORIZE THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND.

Ordered for consideration tomorrow.

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Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

H. 4868 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 9-4-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUDIT OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, SO AS TO CHANGE THE DATE THE AUDIT MUST BE COMPLETED.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

H. 4869 -- Rep. G.M. Smith: A BILL TO AMEND SECTIONS 9-1-1650, 9-9-70, 9-9-100, 9-11-110, ALL AS AMENDED, AND 9-11-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN AMOUNTS TO BE PAID UPON TERMINATION OF EMPLOYMENT, OPTIONAL FORMS OF ALLOWANCE, CERTAIN PAYMENTS ON DEATH OF A MEMBER OR BENEFICIARY, CERTAIN LUMP PAYMENTS TO BE PAID IN THE EVENT OF DEATH, AND THE SUPPLEMENTAL ALLOWANCE PROGRAM, RESPECTIVELY, SO AS TO REMOVE CERTAIN NOTARIZATION REQUIREMENTS.

Ordered for consideration tomorrow.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 506 -- Senators Shealy and Rankin: A BILL TO AMEND SECTION 40-43-170(A) OF THE 1976 CODE, RELATING TO A STATE OF EMERGENCY, PREREQUISITES TO EMERGENCY REFILLS, AND THE DISPENSING OF MEDICATIONS BY PHARMACISTS NOT LICENSED IN THIS STATE, TO ALLOW FOR A ONE-TIME, THIRTY-DAY EMERGENCY REFILL DURING A STATE OF EMERGENCY.

S. 862 -- Senator Young: A BILL TO AMEND SECTION 35-1-602(d) OF THE 1976 CODE, RELATING TO SECURITIES COMMISSIONERS' INVESTIGATIONS AND SUBPOENAS, TO

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PROVIDE THAT THIS SECTION DOES NOT PRECLUDE A PERSON FROM APPLYING TO THE RICHLAND COUNTY COURT OF COMMON PLEAS FOR RELIEF.

**READ THE THIRD TIME  
RECONSIDERED**

S. 784 -- Senators Goldfinch and Rice: A BILL TO AMEND SECTION 48-39-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FORTY-YEAR RETREAT POLICY FROM THE SHORELINE, SO AS TO PROHIBIT THE SEAWARD MOVEMENT OF THE BASELINE AFTER DECEMBER 31, 2019.

**Motion Adopted**

On motion of Senator CAMPSSEN, third reading was reconsidered and the Bill was returned to the calendar.

**READ THE SECOND TIME**

S. 877 -- Senator Alexander: A BILL TO AMEND SECTION 40-60-330(B)(11) OF THE 1976 CODE, RELATING TO APPRAISAL MANAGEMENT COMPANY REGISTRATION REQUIREMENTS, TO PROVIDE THAT THE REGISTRATION REQUIRED IN SECTION 40-60-330(A) MUST INCLUDE A SURETY BOND IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>

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<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

S. 1060 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4754, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 40; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Rankin	Reese



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Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

The Resolution was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

S. 1061 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CREDENTIAL CLASSIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4788, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 40; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy

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Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

The Resolution was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

S. 1062 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO APPLICATION FOR TEACHING CREDENTIAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4789, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 40; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams

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Young

**Total--40**

**NAYS**

**Total--0**

The Resolution was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 3701 -- Reps. Putnam, Whipper, Brown, Knight, Henegan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-7-735 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO INFORM A RELATIVE WITH WHOM A CHILD MAY BE PLACED OF THE OPPORTUNITY TO BE LICENSED AS A FOSTER PARENT, INCLUDING THE LICENSURE PROCESS AND BENEFITS OF BEING LICENSED AS A FOSTER PARENT, AND TO REQUIRE THE COURT TO MAKE CERTAIN FINDINGS BEFORE SIGNING AN ORDER APPROVING PLACEMENT OF A CHILD WITH A RELATIVE WHO IS NOT A LICENSED FOSTER PARENT; TO AMEND SECTION 63-7-650, RELATING IN PART TO THE DEPARTMENT MAKING AN INTERIM PLACEMENT OF A CHILD WITH A RELATIVE INSTEAD OF TAKING CUSTODY OF A CHILD, SO AS TO REQUIRE THE DEPARTMENT TO EXPLAIN TO THE RELATIVE ABOUT THE OPPORTUNITY TO BECOME LICENSED AS A KINSHIP FOSTER PARENT IF THE CHILD IS UNABLE TO RETURN HOME; TO AMEND SECTION 63-7-2320, RELATING TO THE KINSHIP FOSTER PROGRAM, SO AS TO ALLOW THE DEPARTMENT TO WAIVE CERTAIN NONSAFETY LICENSURE REQUIREMENTS WHEN LICENSING A RELATIVE AS A FOSTER PARENT AND TO INDICATE THE PREFERENCE FOR PLACING A CHILD WITH A RELATIVE; TO AMEND SECTION 63-7-2330, RELATING TO PLACEMENT OF A CHILD WITH A RELATIVE AS PART OF A REMOVAL ACTION, SO AS TO REQUIRE THE DEPARTMENT TO INFORM THE RELATIVE OF THE OPPORTUNITY TO BE LICENSED AS A FOSTER PARENT, INCLUDING THE LICENSURE PROCESS AND BENEFITS OF BEING SO LICENSED; TO AMEND SECTION 63-7-2350, AS AMENDED, RELATING TO RESTRICTIONS ON

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FOSTER CARE PLACEMENTS, SO AS TO CLARIFY THE PROCESS THE DEPARTMENT MUST FOLLOW TO DETERMINE WHETHER A PERSON HAS COMMITTED A CRIME THAT MAKES THE PERSON INELIGIBLE TO BE A FOSTER PARENT; AND TO AMEND SECTION 43-1-210, AS AMENDED, RELATING TO DEPARTMENT REPORTING REQUIREMENTS, SO AS TO REQUIRE REPORTING OF KINSHIP CARE DATA.

The Senate proceeded to a consideration of the Bill.

Senator YOUNG explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

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**CARRIED OVER**

H. 3442 -- Reps. Delleney, Felder, Pope, Martin, Norrell, B. Newton, Simrill, Norman, Thayer, Putnam, Clary, Hamilton, Yow, W. Newton, Kirby, Erickson, Knight, Hixon, Elliott, Henderson, Bedingfield, V.S. Moss, Wheeler, Ballentine, King, Henegan and West: A BILL TO AMEND SECTION 63-9-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDIVIDUALS WHO MAY ADOPT A CHILD, SO AS TO ADD CIRCUMSTANCES UNDER WHICH A NONRESIDENT MAY ADOPT AND TO PROVIDE FOR THE RIGHT TO FILE A PETITION FOR ADOPTION; AND TO AMEND SECTION 63-9-750, RELATING TO ADOPTION HEARINGS, SO AS TO MAKE TECHNICAL CORRECTIONS.

On motion of Senator MALLOY, the Bill was carried over.

H. 4654 -- Reps. Sandifer and Spires: A BILL TO AMEND SECTION 38-43-100, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING REQUIREMENTS FOR INDIVIDUAL AND AGENCY INSURANCE PRODUCERS, SO AS TO REQUIRE AN APPLICANT TO PROVIDE A COMPLETE SET OF FINGERPRINTS WITH THE APPLICATION, TO PROVIDE THAT FAILURE TO PROVIDE A COMPLETE SET OF FINGERPRINTS CONSTITUTES GROUNDS FOR DENIAL OF AN APPLICATION, AND TO PROVIDE EXCEPTIONS TO THE FINGERPRINTING REQUIREMENT UNDER CERTAIN CIRCUMSTANCES.

On motion of Senator NICHOLSON, the Bill was carried over.

H. 4655 -- Reps. Sandifer and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA INSURANCE DATA SECURITY ACT" BY ADDING CHAPTER 99 TO TITLE 38 SO AS TO DEFINE NECESSARY TERMS; TO REQUIRE A LICENSEE TO DEVELOP, IMPLEMENT, AND MAINTAIN A COMPREHENSIVE INFORMATION SECURITY PROGRAM BASED ON THE LICENSEE'S RISK ASSESSMENT AND TO ESTABLISH CERTAIN REQUIREMENTS FOR THE SECURITY PROGRAM, TO PROVIDE MINIMUM REQUIREMENTS FOR A LICENSEE'S BOARD OF DIRECTORS, IF APPLICABLE, TO REQUIRE A LICENSEE TO MONITOR THE SECURITY PROGRAM AND MAKE ADJUSTMENTS IF NECESSARY, TO PROVIDE THAT THE

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LICENSEE MUST ESTABLISH AN INCIDENT RESPONSE PLAN AND TO ESTABLISH CERTAIN REQUIREMENTS FOR THE INCIDENT RESPONSE PLAN, TO REQUIRE A LICENSEE TO SUBMIT A STATEMENT TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE ANNUALLY; TO ESTABLISH CERTAIN REQUIREMENTS FOR A LICENSEE IN THE EVENT OF A CYBERSECURITY EVENT; TO REQUIRE A LICENSEE TO NOTIFY THE DIRECTOR OF CERTAIN INFORMATION IN THE EVENT OF A CYBERSECURITY EVENT; TO GRANT THE DIRECTOR THE POWER AND AUTHORITY TO EXAMINE AND INVESTIGATE A LICENSEE; TO PROVIDE THAT DOCUMENTS, MATERIALS, OR OTHER INFORMATION IN THE CONTROL OR POSSESSION OF THE DEPARTMENT MUST BE TREATED AS CONFIDENTIAL AND TO AUTHORIZE THE DIRECTOR TO SHARE OR RECEIVE CONFIDENTIAL DOCUMENTS UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER; TO PROVIDE PENALTIES FOR VIOLATIONS; AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS.

On motion of Senator WILLIAMS, the Bill was carried over.

H. 3699 -- Reps. Putnam, Whipper, Brown, Knight, Henegan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 63-7-765, 63-7-770, AND 63-9-80 SO AS TO ALLOW FOR THE DISCLOSURE OF PERSONAL HEALTH INFORMATION ABOUT A CHILD TO CERTAIN CAREGIVERS AS PART OF CHILD PROTECTION OR ADOPTION PROCEEDINGS; TO AMEND SECTION 63-7-390, RELATING TO MANDATED REPORTER IMMUNITY FROM LIABILITY, SO AS TO ADD IMMUNITY PROTECTIONS; TO AMEND SECTION 63-7-1990, AS AMENDED, RELATING TO CONFIDENTIALITY OF CHILD ABUSE OR NEGLECT RECORDS, SO AS TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO RELEASE RECORDS CONTAINING PERSONAL HEALTH INFORMATION ABOUT THE CHILD TO CERTAIN CAREGIVERS; AND TO AMEND SECTION 63-7-2370, RELATING TO THE DISCLOSURE OF CERTAIN INFORMATION ABOUT A FOSTER CHILD TO A FOSTER PARENT AT THE TIME OF PLACEMENT, SO AS TO MAKE CONFORMING CHANGES.

On motion of Senator YOUNG, the Bill was carried over.

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S. 912 -- Senators Jackson, Allen, Reese, Shealy, Talley, Johnson, Campbell, Sabb, Gambrell, Nicholson and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-18-75 SO AS TO PROHIBIT A PRIVATE INVESTIGATION BUSINESS FROM KNOWINGLY REPRESENTING MULTIPLE PARTIES WITH OPPOSING INTERESTS IN CIVIL OR CRIMINAL MATTERS AND TO PROVIDE PENALTIES.

On motion of Senator CLIMER, the Bill was carried over.

**COMMITTEE AMENDMENT WITHDRAWN  
AMENDED, CARRIED OVER**

S. 345 -- Senators Davis, McElveen, Scott and Fanning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-33-55 SO AS TO PROVIDE CERTAIN NURSING PROFESSIONALS MAY PROVIDE NONCONTROLLED PRESCRIPTION DRUGS AT ENTITIES THAT PROVIDE FREE MEDICAL SERVICES FOR INDIGENT PATIENTS; BY ADDING SECTION 40-33-57 SO AS TO PROVIDE CERTAIN NURSING PROFESSIONALS MAY CERTIFY STUDENTS AS UNABLE TO ATTEND SCHOOL BUT WHO POTENTIALLY MAY BENEFIT FROM RECEIVING INSTRUCTION AT HOME OR IN A HOSPITAL; BY ADDING SECTION 40-33-59 SO AS TO PROVIDE THAT NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES ORALLY OR IN WRITING MAY REFER A PATIENT TO A PHYSICAL THERAPIST FOR TREATMENT; BY ADDING SECTION 40-33-61 SO AS TO PROVIDE RECIPIENTS AND BENEFICIARIES OF CERTAIN ASSISTANCE AND SERVICES WITHIN THE SCOPE OF PRACTICE OF A NURSE PRACTITIONER OR CERTIFIED NURSE MIDWIFE MAY CHOOSE THE PROVIDERS FROM WHOM THEY RECEIVE SUCH ASSISTANCE AND SERVICES; BY ADDING SECTION 40-33-63 SO AS TO PROVIDE NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES MAY PRONOUNCE DEATH AND SIGN DEATH CERTIFICATES; BY ADDING SECTION 40-33-65 SO AS TO PROVIDE NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES MAY ORDER HOSPICE AND PALLIATIVE CARE SERVICES FOR PATIENTS; BY ADDING SECTION 40-33-67 SO AS TO PROVIDE NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES MAY CERTIFY INDIVIDUALS AS HANDICAPPED FOR PURPOSES OF OBTAINING HANDICAPPED

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PARKING PLACARDS; AND BY ADDING SECTION 40-47-370 SO AS TO EXEMPT ADVANCED PRACTICE REGISTERED NURSES FROM CERTAIN LICENSURE AND PRACTICE PROVISIONS WHEN EMPLOYED BY THE UNITED STATES GOVERNMENT AND PROVIDING SERVICES UNDER THE DIRECTION AND CONTROL OF THE UNITED STATES GOVERNMENT; TO AMEND SECTION 40-33-20, RELATING TO DEFINITIONS CONCERNING THE NURSE PRACTICE ACT, SO AS TO REVISE AND ADD NECESSARY DEFINITIONS; TO AMEND SECTION 40-33-34, RELATING TO THE PERFORMANCE OF DELEGATED MEDICAL ACTS, QUALIFICATIONS, PROTOCOLS, AND PRESCRIPTIVE AUTHORIZATIONS OF LICENSEES OF THE NURSING BOARD, SO AS TO MAKE VARIOUS REVISIONS; TO AMEND SECTION 40-47-20, RELATING TO DEFINITIONS CONCERNING THE BOARD OF MEDICAL EXAMINERS, SO AS TO REVISE SEVERAL DEFINITIONS AFFECTING THE SCOPE OF PRACTICE OF CERTAIN LICENSEES OF THE NURSING BOARD; AND TO AMEND SECTION 40-47-195, RELATING TO PHYSICIANS SUPERVISING MEDICAL ACTS DELEGATED TO OTHER PROFESSIONALS, SO AS TO ELIMINATE THE REQUIREMENT THAT SUPERVISING PHYSICIANS BE RESPONSIBLE FOR ENSURING CERTAIN ACTS DELEGATED TO ADVANCED PRACTICE REGISTERED NURSES ARE PERFORMED TO CERTAIN STANDARDS.

The Senate proceeded to a consideration of the Bill.

On motion of Senator HUTTO, with unanimous consent, the committee amendment was withdrawn.

Senator DAVIS proposed the following amendment (345R001.SP.TD), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 40-33-20 of the 1976 Code is amended to read:

“Section 40-33-20. In addition to the definitions provided in Section 40-1-20, for purposes of this chapter:

(1) ‘Accreditation’ means official authorization or status granted by an agency other than a state board of nursing.

(2) ‘Active license’ means the status of a license that has been renewed for the current period and authorizes the licensee to practice nursing in this State.



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(3) ‘Additional acts’ means activities performed by a nurse that expand the scope of practice, as established in law. The following must be submitted in writing to the board for approval before a nurse implements additional acts:

- (a) additional activity being requested;
- (b) statement with rationale as to how the activity will improve client outcomes;
- (c) documentation based on the literature review to support the nurse’s performing the additional activity;
- (d) qualification requirements, including educational background and experience needed;
- (e) special training required, including theory and clinical practice. A nurse must successfully complete a course of ‘special education and training’ acceptable to the board to perform additional acts; and
- (f) evaluation and follow-up procedures.

Additional acts that constitute ~~delegated~~ medical acts must be agreed to jointly by both the Board of Nursing and the Board of Medical Examiners ~~and must be promulgated by the Board of Nursing in regulation.~~

(4) ‘Administration of medications’ means the acts of preparing and giving drugs in accordance with the orders of a licensed, authorized nurse practitioner, certified nurse-midwife, clinical nurse specialist, or a physician, dentist, or other authorized licensed provider as to drug, dosage, route, and frequency; observing, recording, and reporting desired effects, untoward reactions, and side effects of drug therapy; intervening when emergency care is required as a result of drug therapy; appropriately instructing the patient regarding the medication; recognizing accepted prescribing limits and reporting deviations to the prescribing nurse practitioner, certified nurse-midwife, or clinical nurse specialist, physician, dentist, or other authorized licensed provider.

(5) ‘Advanced Practice Registered Nurse’ or ‘APRN’ means a registered nurse who is prepared for an advanced practice registered nursing role by virtue of additional knowledge and skills gained through an advanced formal education program of nursing in a specialty area that is approved by the board. The categories of APRN are nurse practitioner, certified nurse-midwife, clinical nurse specialist, and certified registered nurse anesthetist. An advanced practice registered nurse shall hold a doctorate, a post-nursing master’s certificate, or a minimum of a master’s degree that includes advanced education composed of didactic and supervised clinical practice in a specific area of advanced practice

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registered nursing. APRNs must achieve national certification within two years post-graduation. In addition to those An APRN may perform those activities considered to be the practice of registered nursing, an or advanced practice consisting of nonmedical acts, such as population health management, quality improvement or research projects within a healthcare system; and analysis of data and corresponding system recommendations, revisions, developments, or informatics. An APRN may also perform delegated specified medical acts pursuant to a practice agreement as defined in item (45).

(6) 'Agreed to jointly' means the agreement by the Board of Nursing and Board of Medical Examiners on ~~delegated~~ medical acts ~~which that~~ nurses perform and ~~which that are promulgated by the Board of Nursing in regulation~~ must be defined in a practice agreement pursuant to item (45).

(7) 'Ancillary services' means services associated with the basic services provided to an individual in need of in-home care who needs one or more of the basic services and includes:

(a) homemaker-type services, including shopping, laundry, cleaning, and seasonal chores;

(b) companion-type services, including transportation, letter writing, reading mail, and escorting; and

(c) assistance with cognitive tasks, including managing finances, planning activities, and making decisions.

(8) 'Approval' means the process by which the board evaluates nursing education programs, which must meet established uniform and reasonable standards.

(9) 'Approved written guidelines' means specific statements developed by a certified registered nurse anesthetist and a supervising licensed physician or dentist or by the medical staff within the facility where practice privileges have been granted.

(10) ~~'Approved written protocols' means specific statements developed collaboratively by a physician or the medical staff and a NP, CNM, or CNS that establishes physician delegation for medical aspects of care, including the prescription of medications.~~

(11) 'Attendant care services' means those basic and ancillary services that enable an individual in need of in-home care to live in the individual's home and community rather than in an institution and to carry out functions of daily living, self-care, and mobility.

(11) 'Authorized licensed provider' means a provider of health care services who is authorized to practice by a licensing board in this

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State where the scope of practice includes authority to order and prescribe drugs in treating patients.

(12) 'Basic services' includes:

(a) getting in and out of a bed, wheelchair, motor vehicle, or other device;

(b) assistance with routine bodily functions including health maintenance activities, bathing and personal hygiene, dressing and grooming, and feeding, including preparation and cleanup.

(13) 'Board' means the State Board of Nursing for South Carolina.

(14) 'Board-approved credentialing organization' means an organization that offers a certification examination in a specialty area of nursing practice, establishes scope and standards of practice statements, and provides a mechanism for evaluating continuing competency in a specialized area of nursing practice which has been approved by the board.

(15) 'Business days' means every day except Saturdays, Sundays, and legal holidays.

(16) 'Cancellation' means the withdrawal or invalidation of an authorization to practice that was issued to an ineligible person either in error or based upon a false, fraudulent, or deceptive representation in the application process.

(17) 'Certification' of a registered nurse means approval by an established body, other than the board, but recognized by the board, that recognizes the unique, minimal requirements of specialized areas of nursing practice. Certification requires completion of a recognized formal program of study and specialty board examination, if the specialty board exists, and certification of competence in nursing practice by the certifying agency.

(18) 'Certified Nurse-Midwife' or 'CNM' means an advanced practice registered nurse who holds a master's degree in the specialty area and provides nurse-midwifery, maintains an American Midwifery Certification Board certificate, and is trained to provide management of women's health care, focusing particularly on pregnancy, childbirth, postpartum, care of the newborn, family planning, and gynecological needs of women from adolescence beyond menopause, focusing on gynecologic and family planning services, preconception care, pregnancy, childbirth, postpartum, care of the normal newborn during the first twenty-eight days of life, and the notification and treatment of partners for sexually transmitted infections.

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~~(20)~~(19) 'Certified Registered Nurse Anesthetist' or 'CRNA' means an advanced practice registered nurse who:

(a) has successfully completed an advanced, organized formal CRNA education program at the master's level accredited by the national accrediting organization of this specialty area and that is recognized by the board;

(b) is certified by a board-approved national certifying organization; and

(c) demonstrates advanced knowledge and skill in the delivery of anesthesia services.

A CRNA must practice in accordance with approved written guidelines developed under supervision of a licensed physician or dentist or approved by the medical staff within the facility where practice privileges have been granted.

~~(24)~~(20) 'Clinical Nurse Specialist' or 'CNS' means an advanced practice registered nurse who is a clinician with a high degree of knowledge, skill, and competence in a practice discipline of nursing. This nurse shall hold a master's degree in nursing, with an emphasis in clinical nursing. These nurses are directly available to the public through the provision of nursing care to clients and indirectly available through guidance and planning of care with other nursing personnel. A CNS who performs ~~delegated~~ medical acts is required to have physician support and to practice ~~within approved written protocols~~ pursuant to a practice agreement as defined in item (45). A CNS who does not perform ~~delegated~~ medical acts is not required to have physician support or to practice ~~within approved written protocols~~ pursuant to a practice agreement as provided in Section 40-33-34.

~~(22)~~(21) 'Competence' means the ability of a licensed nurse to perform safely, skillfully, and proficiently the functions within the role of the licensee. The role encompasses the possession and interrelation of essential knowledge, judgment, attitudes, values, skills, and abilities, which are varied and range in complexity. Competence is a dynamic concept, changing as the licensed nurse achieves a higher stage of development, responsibility, and accountability within the role.

~~(23) 'Delegated medical acts' means additional acts delegated by a physician or dentist to the NP, CNM, or CNS and may include formulating a medical diagnosis and initiating, continuing, and modifying therapies, including prescribing drug therapy, under approved written protocols as provided in Section 40-33-34. Delegated medical acts must be agreed to jointly by both the Board of Nursing and the Board of Medical Examiners. Delegated medical acts must be performed under~~

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~~the general supervision of a physician or dentist who must be readily available for consultation.~~

(24)(22) 'Delivering' means the act of handing over to a patient medications as ordered by an authorized licensed provider and prepared by an authorized licensed provider.

(25)(23) 'Dentist' means a dentist licensed by the South Carolina Board of Dentistry.

(26)(24) 'Entity' means a sole proprietorship, partnership, limited liability partnership, limited liability corporation, association, joint venture, cooperative, company, corporation, or other public or private legal entity authorized by law.

(27)(25) 'Expanded role' of a registered nurse means a process of diffusion and implies multi-directional change. Expansion, as a process of role change, is undertaken to fill perceived needs in the health care system, and also to project new components or systems of health care. The authority base for practice from which the expanded role emanates is the body of knowledge that constitutes a nurse's preparation for practice. The expanded role of a registered nurse requires specialized knowledge, judgment, and skill, but does not require or permit medical diagnosis or medical prescription of therapeutic or corrective measures. The expanded role of a licensed practical nurse with special education and training includes performing delegated professional nursing activities, as authorized by the board under the direction and supervision of a registered nurse, but does not authorize violation of state law pertaining to medical or pharmacy practice.

(28)(26) 'Graduate Registered Nurse Anesthetist' or 'GRNA' means a new graduate of an advanced organized formal education program for nurse anesthetists accredited by the national accrediting organization who must achieve certification within one year of graduation of program completion.

(29)(27) 'Graduate Registered Nurse-Midwife' or 'GRNM' means a new graduate of an advanced organized formal education program for nurse-midwives accredited by the national accrediting organization. A ~~GRNA~~ GRNM is required to become certified within one year of graduation or program completion.

(30)(28) 'Health maintenance activities' include, but are not limited to, catheter irrigation, administration of medications, enemas and suppositories, and wound care, if these activities could be performed by an individual if the individual were physically and mentally capable.

(31)(29) 'Inactive license' means the official temporary retirement of a person's authorization to practice nursing upon the person's notice to

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the board that the person does not plan to practice nursing or the status of a license that does not currently authorize a licensee to practice nursing in this State.

~~(32)~~(30) 'Incompetence' means the failure of a nurse to demonstrate and apply the knowledge, skill, and care that is ordinarily possessed and exercised by other nurses of the same licensure status and required by the generally accepted standards of the profession. Charges of incompetence may be based upon a single act of incompetence or upon a course of conduct or series of acts or omissions that extend over a period of time and that, taken as a whole, demonstrate incompetence. It is not necessary to show that actual harm resulted from the act or omission or series of acts or omissions if the conduct is such that harm could have resulted to the patient or to the public from the act or omission or series of acts or omissions.

~~(33)~~(31) 'Individual in need of in-home care' means a functionally disabled individual in need of attendant care services because of impairment who requires assistance to complete functions of daily living, self-care, and mobility, including attendant care services.

~~(34)~~(32) 'Lapsed license' means the termination of a person's authorization to practice nursing due to the person's failure to renew his or her nursing license within the renewal period.

~~(35)~~(33) 'Letter of caution' means a written caution or warning about past or future conduct issued when it is determined that no misconduct has been committed or that only minor misconduct not warranting the imposition of a sanction has been committed. The issuance of a letter of caution is not a form of discipline and does not constitute a finding of misconduct unless the letter of caution specifically states that misconduct has been committed. The fact that a letter of caution has been issued must not be considered in a subsequent disciplinary proceeding against a person authorized to practice unless the caution or warning contained in the letter of caution is relevant to the misconduct alleged in the proceedings.

~~(36)~~(34) 'License' means a current document issued by the board authorizing a person to practice as an advanced practice registered nurse, a registered nurse, or a licensed practical nurse.

~~(37)~~(35) 'Licensed Practical Nurse' or 'LPN' means a person to whom the board has issued an authorization to practice as a licensed practical nurse.

(36) 'Medical staff' means licensed physicians who are approved and credentialed to provide health care to patients in a hospital system or a facility that provides health care.

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~~(38)~~(37) 'Misconduct' means:

(a) a violation of any of the provisions of this chapter or regulations promulgated by the board pursuant to this chapter; or

(b) a violation of any of the principles of nursing ethics as adopted by the board or incompetence or unprofessional conduct.

~~(39)~~(38) 'NCLEX' means the National Council Licensure Examination for Registered Nurses or Licensed Practical Nurses.

~~(40)~~(39) 'Nurse' means a person licensed as an advanced practice registered nurse, registered nurse, or licensed practical nurse pursuant to this chapter.

~~(41)~~(40) 'Nurse Practitioner' or 'NP' means a registered nurse who has completed an advanced formal education program at the master's level or doctoral level acceptable to the board, and who demonstrates advanced knowledge and skill in assessment and management of physical and psychosocial health, illness status of persons, families, and groups. Nurse practitioners who perform ~~delegated~~ medical acts must ~~have a supervising physician or dentist who is readily available for consultation and shall operate within the approved written protocols~~ do so pursuant to a practice agreement as defined in item (45).

~~(42)~~(41) 'Nursing diagnosis' means a clinical judgment about a person, family, or community that is derived through a nursing assessment and the standard nursing taxonomy.

~~(43)~~(42) 'Orientation' means any introductory instruction into a new practice environment or employment situation where being a nurse is a requirement of employment or where the individual uses any title or abbreviation indicating that the individual is a nurse. Orientation is considered the practice of nursing in this State.

~~(44)~~(43) 'Person' means a natural person, male or female.

~~(45)~~(44) 'Physician' means a physician licensed by the South Carolina Board of Medical Examiners who possesses an active, unrestricted, permanent license to practice medicine in this State and who actively is practicing within the geographic boundaries of this State.

(45) 'Practice agreement' means a written agreement developed by an NP, CNM, or CNS and a physician or medical staff who agrees to work with and to support the NP, CNM, or CNS. The practice agreement must establish the medical aspects of care to be provided by the NP, CNM, or CNS, including the prescribing of medications. The practice agreement must contain mechanisms that allow the physician to ensure that quality of clinical care and patient safety is maintained in accordance with state and federal laws, as well as all applicable Board of Nursing and Board of Medical Examiners rules and regulations. The practice agreement

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must comply with Section 40-33-34. A CNM also may practice pursuant to written policies and procedures for practice developed and agreed to with a physician who is board certified or board eligible by the American College of Obstetricians and Gynecologists. Written policies and procedures constitute a practice agreement for purposes of compliance with Section 40-33-34 and must address medical aspects of care including prescriptive authority and must contain transfer policies and details of the on-call agreement with the physician with whom the policies and procedures were developed and agreed. The on-call physician has the authority to designate another qualified physician to be the on-call physician if necessary. The on-call physician must be available to the CNM to provide medical assistance in person, by telecommunications, or by other electronic means.

(46) 'Practice of nursing' means the provision of services for compensation, except as provided in this chapter, that assists persons and groups to obtain or promote optimal health. Nursing practice requires the use of nursing judgment. Nursing judgment is the logical and systematic cognitive process of identifying pertinent information and evaluating data in the clinical context in order to produce informed decisions, which guide nursing actions. Nursing practice is provided by advanced practice registered nurses, registered nurses, and licensed practical nurses. The scope of nursing practice varies and is commensurate with the educational preparation and demonstrated competencies of the person who is accountable to the public for the quality of nursing care. Nursing practice occurs in the state in which the recipient of nursing services is located at the time nursing services are provided.

(47) 'Practice of practical nursing' means the performance of health care acts that require knowledge, judgment, and skill and must be performed under the supervision of an advanced practice registered nurse, registered nurse, licensed physician, licensed dentist, or other practitioner authorized by law to supervise LPN practice. The practice of practical nursing includes, but is not limited to:

- (a) collecting health care data to assist in planning care of persons;
- (b) administering and delivering medications and treatments as prescribed by an authorized licensed provider;
- (c) implementing nursing interventions and tasks;
- (d) providing basic teaching for health promotion and maintenance;
- (e) assisting in the evaluation of responses to interventions;
- (f) providing for the maintenance of safe and effective nursing care rendered directly or indirectly;



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(g) participating with other health care providers in the planning and delivering of health care;

(h) delegating nursing tasks to qualified others;

(i) performing additional acts that require special education and training and that are approved by the board including, but not limited to, intravenous therapy and other specific nursing acts and functioning as a charge nurse.

(48) 'Practice of registered nursing' means the performance of health care acts in the nursing process that involve assessment, analysis, intervention, and evaluation. This practice requires specialized independent judgment and skill and is based on knowledge and application of the principles of biophysical and social sciences. The practice of registered nursing includes, but is not limited to:

(a) assessing the health status of persons and groups;

(b) analyzing the health status of persons and groups;

(c) establishing outcomes to meet identified health care needs of persons and groups;

(d) prescribing nursing interventions to achieve outcomes;

(e) implementing nursing interventions to achieve outcomes;

(f) administering and delivering medications and treatments prescribed by an authorized licensed provider;

(g) delegating nursing interventions to qualified others;

(h) providing for the maintenance of safe and effective nursing care rendered directly or indirectly;

(i) providing counseling and teaching for the promotion and maintenance of health;

(j) evaluating and revising responses to interventions, as appropriate;

(k) teaching and evaluating the practice of nursing;

(l) managing and supervising the practice of nursing;

(m) collaborating with other health care professionals in the management of health care;

(n) participating in or conducting research, or both, to enhance the body of nursing knowledge;

(o) consulting to improve the practice of nursing; and

(p) performing additional acts that require special education and training and that are approved by the board.

(49) 'Private reprimand' means a statement by the board that a violation was committed by a person authorized to practice which has been declared confidential and which is not subject to disclosure as a public document.

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(50) 'Probation' means the issuance of an authorization to practice with terms and conditions imposed by the board. The holder of the authorization to practice on probation may petition the board for reinstatement to full, unrestricted practice upon compliance with all terms and conditions imposed by the board.

(51) 'Public reprimand' means a publicly available statement of the board that a violation was committed by a person authorized to practice.

(52) 'Readily available' means the physician or medical staff who enters into a practice agreement with an NP, CNM, CNS must be in near proximity and is able to be contacted either in person or by telecommunications or other electronic means to provide consultation and advice to the nurse practitioner, certified nurse midwife, or clinical nurse specialist NP, CNM, or CNS performing delegated medical acts. ~~When application is made for more than three NP's, CNM's, or CNS's to practice with one physician, or when a NP, CNM, or CNS is performing delegated medical acts in a practice site greater than forty five miles from the physician, the Board of Nursing and Board of Medical Examiners shall each review the application to determine if adequate supervision exists.~~

(53) 'Registered Nurse' means a person to whom the board has issued an authorization to practice as a registered nurse.

(54) 'Restriction' means a limitation on the activities in which a licensee may engage under an authorization to practice, including revocation, suspension, or probation.

(55) 'Revocation' means the cancellation or withdrawal of a license or other authorization issued by the board either permanently or for a period specified by the board before the person is eligible to reapply. A person whose license or other authorization has been permanently revoked by the board is permanently ineligible for a license or other authorization of any kind from the board.

(56) 'Special education and training' means an organized advanced course of study acceptable to the board, required to expand a nurse's scope of practice. This educational training must be completed after graduation from one's basic nursing education program and includes both theory and clinical practice.

(57) 'Supervision' means the process of critically observing, directing, and evaluating another's performance.

(58) 'Suspension' means the temporary withdrawal of authorization to practice for either a definite or indefinite period of time ordered by the board. The holder of a suspended authorization to practice may petition

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the board for reinstatement to practice upon compliance with all terms and conditions imposed by the board.

(59) 'State or jurisdiction in this country' means a state of the United States or the District of Columbia and does not include a territory or dependency of the United States.

(60) 'Temporary permit' means a current time-limited document that authorizes the practice of nursing at the level for which one is seeking licensure.

(61) 'Underserved or rural area' means an area determined by a federal or state agency authorized to determine such a designation.

(62) 'Underserved population' means a population residing in a rural or urban area, which includes, but is not limited to:

(a) persons receiving Medicaid, Medicare, Department of Health and Environmental Health care, or free clinic care;

(b) those residing in long-term care settings or receiving care from a licensed hospice;

(c) those in institutions including, but not limited to, incarceration institutions and mental health institutions; and

(d) persons including, but not limited to, the homeless, HIV patients, children, women, the economically disadvantaged, the uninsured, the underinsured, the developmentally disabled, the medically fragile, the mentally ill, migrants, military persons and their dependents, and veterans and their dependents.

~~(61)~~(63) 'Unlicensed assistive personnel' or 'UAP' are persons not currently licensed by the board as nurses who perform routine nursing tasks that do not require a specialized knowledge base or the judgment and skill of a licensed nurse. Nursing tasks performed by a UAP must be performed under the supervision of an advanced practice registered nurse, registered nurse, or selected licensed practical nurse.

~~(62)~~(64) 'Unprofessional conduct' means acts or behavior that fail to meet the minimally acceptable standard expected of similarly situated professionals including, but not limited to, conduct that may be harmful to the health, safety, and welfare of the public, conduct that may reflect negatively on one's fitness to practice nursing, or conduct that may violate any provision of the code of ethics adopted by the board or a specialty.

~~(63)~~(65) 'Voluntary surrender' means the invalidation of a nursing license at the time of its surrender and thereafter. A person whose license is voluntarily surrendered may not practice nursing or represent oneself to be a nurse until the board takes action.

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~~(64)~~(66) ‘Volunteer license’ means authorization of a retired nurse to provide nursing services to others through an identified charitable organization without remuneration.”

SECTION 2. Section 40-33-34 of the 1976 Code is amended to read:

“Section 40-33-34. (A) An advanced practice registered nurse applicant shall furnish evidence satisfactory to the board that the applicant:

(1) has met all qualifications for licensure as a registered nurse; and

(2) holds current specialty certification by a board-approved credentialing organization. New graduates shall provide evidence of certification within one year of program completion; however, psychiatric clinical nurse specialists shall provide evidence of certification within two years of program completion; and

(3) has earned a minimum of a master’s degree from an accredited college or university, except for those applicants who:

(a) provide documentation as requested by the board that the applicant was graduated from an advanced, organized formal education program appropriate to the practice and acceptable to the board before December 31, 1994; or

(b) graduated before December 31, 2003, from an advanced, organized formal education program for nurse anesthetists accredited by the national accrediting organization of that specialty. ~~CRNA’s~~ CRNAs who graduate after December 31, 2003, must graduate with a master’s degree from a formal CRNA education program for nurse anesthetists accredited by the national accreditation organization of the CRNA specialty. An advanced practice registered nurse must achieve and maintain national certification, as recognized by the board, in an advanced practice registered nursing specialty;

(4) has paid the board all applicable fees; and

(5) has declared specialty area of nursing practice and the specialty title to be used must be the title which is granted by the board-approved credentialing organization or the title of the specialty area of nursing practice in which the nurse has received advanced educational preparation.

(B) An APRN is subject, at all times, to the scope and standards of practice established by the board-approved credentialing organization representing the specialty area of practice and shall function within the scope of practice of this chapter and must not be in violation of Chapter 47.

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(C)(1) ~~A licensed nurse practitioner, certified nurse-midwife, or clinical nurse specialist must provide evidence of approved written protocols~~ a practice agreement, as provided in this section. A licensed NP, CNM, or CNS must spend a portion of his time practicing in an underserved or rural area or serving an underserved population as defined in Section 40-33-20. A licensed NP, CNM, or CNS performing ~~delegated~~ medical acts must do so ~~under the general supervision of a licensed~~ pursuant to a practice agreement with a physician or dentist who must be readily available for consultation.

(2) ~~When application is made for more than three NP's, CNM's, or CNS's to practice with one physician or when a NP, CNM, or CNS is performing delegated medical acts in a practice site greater than forty five miles from the supervising physician, the Board of Nursing and Board of Medical Examiners shall each review the application to determine if adequate supervision exists.~~

(D)(1) ~~Delegated medical acts performed by a nurse practitioner, certified nurse-midwife, or clinical nurse specialist must be performed pursuant to an approved written protocol~~ a practice agreement between the nurse and the physician ~~and~~ or medical staff. The practice agreement must include, but is not limited to:

(a) ~~this~~ the following general information:

(i) name, address, and South Carolina license number of the nurse;

(ii) name, address, and South Carolina license number of the physician;

(iii) nature of practice and practice locations of the nurse and physician;

(iv) date the ~~protocol was developed~~ practice agreement was entered into and dates the ~~protocol~~ practice agreement was reviewed and amended; and

(v) description of how consultation with the physician is provided and provision for backup consultation ~~in~~ if the ~~physician's absence~~ physician is unavailable; and

(b) ~~this~~ the following information for ~~delegated~~ medical acts:

(i) ~~the~~ medical conditions for which therapies may be initiated, continued, or modified;

(ii) ~~the~~ treatments that may be initiated, continued, or modified;

(iii) ~~the~~ drug therapies that may be prescribed; and

(iv) situations that require direct evaluation by or referral to the physician.

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(2) Notwithstanding any provisions of state law other than this chapter and Chapter 47, and to the extent permitted by federal law, an APRN may perform the following medical acts unless otherwise provided in the practice agreement:

(a) provide noncontrolled prescription drugs at an entity that provides free medical care for indigent patients;

(b) certify that a student is unable to attend school but may benefit from receiving instruction given in his home or hospital;

(c) refer a patient to physical therapy for treatment;

(d) pronounce death and sign death certificates;

(e) issue an order for a patient to receive appropriate services from a licensed hospice as defined in Chapter 71, Title 44; and

(f) certify that an individual is handicapped and declare that the handicap is temporary or permanent for purposes of the individual's application for a placard.

(3) ~~The original protocol~~ practice agreement and any amendments ~~to the protocol~~ it must be reviewed at least annually, dated and signed by the nurse and physician, and made available to the board for review within seventy-two hours of request. Failure to produce ~~protocols~~ a practice agreement upon request of the board is considered misconduct and subjects the licensee to disciplinary action. A random audit of ~~approved written protocols~~ practice agreements must be conducted by the board at least biennially.

~~(3)(4)~~ Licensees who change practice settings or physicians shall notify the board of the change within fifteen business days and provide verification of ~~approved written protocols~~ a practice agreement. ~~NP's, CNM's, and CNS's~~ NPs, CNMs, and CNSs who discontinue their practice shall notify the board within fifteen business days.

(E)(1) ~~A~~ An NP, CNM, or CNS who applies for prescriptive authority:

(a) must be licensed by the board as a nurse practitioner, certified nurse- midwife, or clinical nurse specialist;

(b) shall submit a completed application on a form provided by the board;

(c) shall submit the required fee;

(d) shall provide evidence of completion of forty-five contact hours of education in pharmacotherapeutics acceptable to the board, within two years before application or during the time of the organized educational program shall provide evidence of prescriptive authority in another state meeting twenty hours in pharmacotherapeutics acceptable to the board, within two years before application;

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(e) shall provide at least fifteen hours of education in controlled substances acceptable to the board as part of the twenty hours required for prescriptive authority if the NP, CNM, or CNS has equivalent controlled substance prescribing authority in another state;

(f) shall provide at least fifteen hours of education in controlled substances acceptable to the board as part of the forty-five contact hours required for prescriptive authority if the NP, CNM, or CNS initially is applying to prescribe in Schedules II through V controlled substances.

(2) The board shall issue an identification number to the NP, CNM, or CNS authorized to prescribe medications. Authorization for prescriptive authority is valid for two years unless terminated by the board for cause. Initial authorization expires concurrent with the expiration of the Advanced Practice Registered Nurse license.

(3) Authorization for prescriptive authority must be renewed after the applicant meets requirements for renewal and provides documentation of twenty hours acceptable to the board of continuing education contact hours every two years in pharmacotherapeutics. For a NP, CNM, or CNS with controlled substance prescriptive authority, two of the twenty hours must be related to prescribing controlled substances.

(F)(1) Authorized prescriptions by a nurse practitioner, certified nurse-midwife, or clinical nurse specialist with prescriptive authority:

(a) must comply with all applicable state and federal laws and executive orders;

(b) is limited to drugs and devices utilized to treat ~~common well-defined~~ medical problems within the specialty field of the nurse practitioner or clinical nurse specialist, ~~as authorized by the physician and listed in the approved written protocols. The Board of Nursing, Board of Medical Examiners, and Board of Pharmacy jointly shall establish a listing of classifications of drugs that may be authorized by physicians and listed in approved written protocols~~ prescribed in the practice agreement;

(c) ~~do not include prescriptions for Schedule II controlled substances; however, may include Schedules III through V controlled substances may be prescribed if listed in the approved written protocol~~ practice agreement and as authorized by Section 44-53-300;

(d) may include Schedule II nonnarcotic substances if listed in the practice agreement and as authorized by Section 44-53-300, provided, however, that each such prescription must not exceed a thirty-day supply;

(e) may include Schedule II narcotic substances if listed in the practice agreement and as authorized by Section 44-53-300, provided,

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however, that the prescription must not exceed a five-day supply and another prescription must not be written without the agreement of the physician with whom the nurse practitioner, certified nurse-midwife, or clinical nurse specialist has entered into a practice agreement, unless the prescription is written for patients in hospice or palliative care:

(f) may include Schedule II narcotic substances for patients in hospice or palliative care if listed in the practice agreement as authorized by Section 44-53-300, provided, however, that each such prescription must not exceed a thirty-day supply:

(g) must be signed or electronically submitted by the NP, CNM, or CNS with the prescriber's identification number assigned by the board and all prescribing numbers required by law. The prescription form, if on paper, must include the name, address, and phone number of the NP, CNM, or CNS and physician, and all prescriptions must comply with the provisions of Section 39-24-40. A prescription must designate a specific number of refills and may not include a nonspecific refill indication;

(e)(h) must be documented in the patient record of the practice and must be available for review and audit purposes.

(2) ~~A~~ An NP, CNM, or CNS who holds prescriptive authority may request, receive, and sign for professional samples, ~~except for controlled substances in Schedule II,~~ and may distribute professional samples to patients as listed in the ~~approved written protocol~~ practice agreement, subject to federal and state regulations.

(G) Prescriptive authorization may be terminated by the board if ~~a~~ an NP, CNM, or CNS with prescriptive authority has:

(1) not maintained certification in the specialty field;

(2) failed to meet the education requirements for pharmacotherapeutics;

(3) prescribed outside the scope of the ~~approved written protocols~~ practice agreement;

(4) violated a provision of Section 40-33-110; or

(5) violated any state or federal law or regulations applicable to prescriptions.

(H)(1) Nothing in this section may be construed to require a CRNA to obtain prescriptive authority to deliver anesthesia care.

(2) A CRNA shall practice pursuant to approved written guidelines developed with the supervising licensed physician or dentist or by the medical staff within the facility where practice privileges have been granted and must include, but are not limited to:

(a) the following general information:



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(i) name, address, and South Carolina license number of the registered nurse;

(ii) name, address, and South Carolina license number of the supervising physician, dentist, or the physician director of anesthesia services or the medical director of the facility;

(iii) dates the guidelines were developed, and dates the guidelines were reviewed and amended;

(iv) physical address of the primary practice and any additional practice sites;

(b) these requirements for providing anesthesia services:

(i) documentation of clinical privileges in the institutions where anesthesia services are provided, if applicable;

(ii) copy of job description;

(iii) policies and procedures that outline the pre-anesthesia evaluation, induction, intra-operative maintenance, and emergence from anesthesia.

(iv) evidence of outcome evaluation for anesthesia services.

(3) The original and any amendments to the approved written guidelines must be reviewed at least annually, dated and signed by the CRNA and physician or dentist, and must be made available to the board for review within seventy-two hours of request. Failure to produce the guidelines is considered misconduct and subjects the licensee to disciplinary action. A random audit of approved written guidelines must be conducted by the board at least biennially.

(4) A person who changes primary practice settings or physician or dentist shall notify the board of this change within fifteen business days and provide verification of approved written guidelines. A CRNA who discontinues his or her practice shall notify the board within fifteen business days.

(5) The physician or dentist responsible for the supervision of a CRNA must be identified on the anesthesia record before administration of anesthesia.”

SECTION 3. Section 40-33-110(A) of the 1976 Code is amended by adding appropriately numbered new items to read:

“(27) engaged in practice as an NP, CNS, or CNM without a compliant practice agreement as defined in Section 40-33-20(45);

(28) failed to follow or comply with the practice agreement as defined by Section 40-33-20(45); or

(29) knowingly allowed himself to be misrepresented as a physician.”

SECTION 4. Section 40-47-20 of the 1976 Code is amended to read:

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“Section 40-47-20. In addition to the definitions provided in Section 40-1-20, as used in this chapter unless the context indicates otherwise:

(1) ‘Active license’ means the status of an authorization to practice that has been renewed for the current period and authorizes the licensee to practice in this State.

(2) ‘Administrative hearing officer’ means a physician designated by the board or director.

(3) ‘Adverse disciplinary action’ means a final decision by a United States or foreign licensing jurisdiction, a peer review group, a health care institution, a professional or medical society or association, or a court, which action was not resolved completely in the licensee’s favor.

(4) ‘Agreed to jointly’ means the agreement by the Board of Nursing and Board of Medical Examiners on ~~delegated~~ medical acts that nurses perform and that ~~are promulgated by the Board of Nursing in regulation~~ must be defined in a practice agreement pursuant to item (35).

~~(5) ‘Approved written protocols’ means specific statements developed collaboratively by the physician or the medical staff and the advanced practice registered nurse (NP, CNM, or CNS) that establish physician delegation for medical aspects of care, including the prescription of medications.~~

~~(6)~~ ‘Approved written scope of practice guidelines’ means specific statements developed by a physician or the medical staff and a physician assistant that establish physician delegation for medical aspects of care, including the prescription of medications.

~~(7)~~(6) ‘Board’ means the State Board of Medical Examiners for South Carolina.

~~(8)~~(7) ‘Board-approved credentialing organization’ means an organization that offers a certification examination in a specialty area of practice, establishes scope and standards of practice statements, and provides a mechanism approved by the board for evaluating continuing competency in a specialized area of practice.

~~(9)~~(8) ‘Business days’ means every day except Saturdays, Sundays, and legal holidays.

~~(10)~~(9) ‘Cancellation’ means the withdrawal or invalidation of an authorization to practice that was issued to an ineligible person either in error or based upon a false, fraudulent, or deceptive representation in the application process.

~~(11)~~(10) ‘Certification’ means approval by an established body, other than the board, but recognized by the board, that recognizes the unique, minimal requirements of specialized areas of practice. Certification requires completion of a recognized formal program of study and

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specialty board examination, if the specialty board exists, and certification of competence in practice by the certifying agency.

(12)(11) 'Criminal history' means a federal, state, or local criminal history of conviction or a pending charge or indictment of a crime, whether a misdemeanor or a felony, that bears upon a person's fitness or suitability for an authorization to practice with responsibility for the safety and well-being of others.

(13)(12) 'Delegated medical acts' means additional acts delegated by a physician or dentist to a physician assistant, respiratory care practitioner, anesthesiologist's assistant, or other practitioner authorized by law under approved written scope of practice guidelines or approved written protocols as provided by law in accordance with the applicable scope of professional practice. Delegated medical acts must be performed under the supervision of a physician or dentist who must be readily or immediately available for consultation in accordance with the applicable scope of professional practice. APRNs performing medical acts must practice pursuant to a practice agreement as defined in item (35).

~~(14) 'Delegated medical acts to the APRN' means additional acts delegated by a physician or dentist to the Advanced Practice Registered Nurse (NP, CNM, or CNS) which may include formulating a medical diagnosis and initiating, continuing, and modifying therapies, including prescribing drug therapy, under approved written protocols as provided in Section 40-33-34 and Section 40-47-195. Delegated medical acts to the APRN (NP, CNM, or CNS) must be agreed to jointly by both the Board of Nursing and the Board of Medical Examiners. Delegated medical acts to the APRN (NP, CNM, or CNS) must be performed under the general supervision of a physician or dentist who must be readily available for consultation.~~

(15)(13) 'Dentist' means a dentist licensed by the South Carolina Board of Dentistry.

(16)(14) 'Disciplinary action' means a final decision and sanction imposed at the conclusion of a disciplinary proceeding.

(17)(15) 'Entity' means a sole proprietorship, partnership, limited liability partnership, limited liability corporation, association, joint venture, cooperative, company, corporation, or other public or private legal entity authorized by law.

(18)(16) 'Final decision' means an order of the board that concludes a license application proceeding or formal disciplinary proceeding.

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~~(19)~~(17) 'Formal complaint' means a formal written complaint charging misconduct by a respondent in violation of this chapter, Chapter 1 of Title 40, or any other provision of law.

~~(20)~~(18) 'Immediately available' for the purpose of supervising unlicensed personnel means being located within the office and ready for immediate utilization when needed.

~~(21)~~(19) 'Inactive license' means the official temporary retirement of a person's authorization to practice upon the person's notice to the board that the person does not wish to practice.

~~(22)~~(20) 'Incompetence' means the failure of a licensee to demonstrate and apply the knowledge, skill, and care that is ordinarily possessed and exercised by other practitioners of the same licensure status and required by the generally accepted standards of the profession. Charges of incompetence may be based upon a single act of incompetence or upon a course of conduct or series of acts or omissions that extend over a period of time and that, taken as a whole, demonstrate incompetence. It is not necessary to show that actual harm resulted from the act or omission or series of acts or omissions if the conduct is such that harm could have resulted to the patient or to the public from the act or omission or series of acts or omissions.

~~(23)~~(21) 'Independent credentials verification organization' means an entity approved by the board to provide primary source verification of an applicant's identity, medical education, postgraduate training, examination history, disciplinary history, and other core information required for licensure in this State.

~~(24)~~(22) 'Initial complaint' means a brief statement that alleges misconduct on the part of a licensee.

~~(25)~~(23) 'Initial licensure' means the first authorization to practice issued to a person by a licensing authority in this State or any other state.

~~(26)~~(24) 'Lapsed license' means an authorization to practice that no longer authorizes practice in this State due to the person's failure to renew the authorization within the renewal period.

~~(27)~~(25) 'Letter of caution or concern' means a written caution or warning about past or future conduct issued when it is determined that no misconduct has been committed. The issuance of a letter of caution or concern is not a form of discipline and does not constitute a finding of misconduct. The fact that a letter of caution or concern has been issued must not be considered in a subsequent disciplinary proceeding against a person authorized to practice unless the caution or warning contained in the letter of caution or concern is relevant to the misconduct alleged in the proceedings.

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~~(28)~~(26) 'License' means a current document authorizing a person to practice.

~~(29)~~(27) 'Licensed in good standing' means that one's authorization to practice has not been revoked and there are no restrictions or limitations currently in effect. Public reprimands issued less than five years from the date an application is received by the board are considered restrictions upon practice.

~~(30)~~(28) 'Limited license' means a current time-limited and practice-limited document that authorizes practice at the level for which one is seeking licensure.

(29) 'Medical staff' means licensed physicians who are approved and credentialed to provide health care to patients in a hospital system or a facility that provides health care.

~~(31)~~(30) 'Misconduct' means violation of any of the provisions of this chapter or regulations promulgated by the board pursuant to this chapter or violation of any of the principles of ethics as adopted by the board or incompetence or unprofessional conduct.

~~(32)~~(31) 'Osteopathic medicine' means a complete school of medicine and surgery utilizing all methods of diagnosis and treatment in health and disease and placing special emphasis on the interrelationship of the musculo-skeletal system to all other body systems.

~~(33)~~(32) 'Pending disciplinary action' means an action or proceeding initiated by a formal complaint.

~~(34)~~(33) 'Person' means a natural person, male or female.

~~(35)~~(34) 'Physician' means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.

(35) 'Practice agreement' means a written agreement developed by an NP, CNM, or CNS and a physician or medical staff who agrees to work with and to support the NP, CNM, or CNS. The practice agreement must establish the medical aspects of care to be provided by the NP, CNM, or CNS, including the prescribing of medications. The practice agreement must contain mechanisms that allow the physician to ensure that quality of clinical care and patient safety is maintained in accordance with state and federal laws, as well as all applicable Board of Nursing and Board of Medical Examiners rules and regulations. The practice agreement must comply with Section 40-33-34. A CNM also may practice pursuant to written policies and procedures for practice developed and agreed to with a physician who is board certified or board eligible by the American College of Obstetricians and Gynecologist. Written policies and procedures constitute a practice agreement for purposes of compliance

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with Section 40-33-34 and must address medical aspects of care including prescriptive authority and must contain transfer policies and details of the on-call agreement with the physician with whom the policies and procedures were developed and agreed. The on-call physician has the authority to designate another qualified physician to be the on-call physician if necessary. The on-call physician must be available to the CNM to provide medical assistance in person, by telecommunications, or by other electronic means.

(36) 'Practice of Medicine' means:

- (a) advertising, holding out to the public or representing in any manner that one is authorized to practice medicine in this State;
- (b) offering or undertaking to prescribe, order, give, or administer any drug or medicine for the use of any other person;
- (c) offering or undertaking to prevent or to diagnose, correct or treat in any manner, or by any means, methods, or devices, disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of a person, including the management or pregnancy and parturition;
- (d) offering or undertaking to perform any surgical operation upon a person;
- (e) rendering a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient or the actual rendering of treatment to a patient within this State by a physician located outside the State as a result of transmission of individual patient data by electronic or other means from within a state to such physician or his or her agent;
- (f) rendering a determination of medical necessity or a decision affecting the diagnosis and/or treatment of a patient is the practice of medicine subject to all of the powers provided to the Board of Medical Examiners, except as provided in Section 38-59-25;
- (g) using the designation Doctor, Doctor of Medicine, Doctor of Osteopathic Medicine, Physician, Surgeon, Physician and Surgeon, Dr., M.D., D.O., or any combination of these in the conduct of any occupation or profession pertaining to the prevention, diagnosis, or treatment of human disease or condition unless such a designation additionally contains the description of another branch of the healing arts for which one holds a valid license in this State that is applicable to the clinical setting; and
- (h) testifying as a physician in an administrative, civil, or criminal proceeding in this State by expressing an expert medical opinion.

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(37) 'Practitioner' means a person who has been issued an authorization to practice in this State. The term does not include persons who have not been issued a license, registration, certification, or other authorization to practice in this State, except as provided by law for persons licensed in another state or jurisdiction.

(38) 'Presiding officer' means the chairman of the hearing panel or a designee. When no chair of the hearing panel has been designated, the term includes the chairman or vice chairman of the board or a designee. A person designated to act on behalf of the chairman of the board or a hearing panel may not have been involved with the investigation or prosecution of the particular matter.

(39) 'Private reprimand' means a statement by the board that misconduct was committed by a person authorized to practice which has been declared confidential and which is not subject to disclosure as a public document.

(40) 'Probation' means the issuance of an authorization to practice conditioned upon compliance with terms and conditions imposed by a licensing board in this State or another state. The holder of the authorization to practice on probation may petition the board for reinstatement to full, unrestricted practice upon compliance with all terms and conditions imposed by the board.

(41) 'Public reprimand' means a publicly available statement of the board that misconduct was committed by a person authorized to practice.

(42) 'Reactivation' means the restoration to active status of an authorization from inactive status.

(43) 'Readily available' means the physician or medical staff who enters into a practice agreement with an NP, CNM, or CNS must be in near proximity and is able to be contacted either in person or by telecommunications or other electronic means to provide consultation and advice to the practitioner performing delegated NP, CNM, or CNS performing medical acts. ~~When application is made for more than the equivalent of three full-time NPs, CNMs, or CNSs to practice with one physician, or when a NP, CNM, or CNS is performing delegated medical acts in a practice site greater than forty-five miles from the physician, the Board of Nursing and the Board of Medical Examiners shall review the application to determine if adequate supervision exists.~~

(44) 'Reinstatement' means an action of the board in a disciplinary matter that authorizes the resumption of practice upon any terms or conditions ordered or agreed to by the board.

(45) 'Relinquish' means to permanently cancel or invalidate an authorization instead of disciplinary proceedings or final decision by the

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board. A person whose authorization to practice has been relinquished to the board is permanently ineligible for a license or other authorization of any kind from the board. Relinquishment is irrevocable, an admission of any or all of the allegations of misconduct, and reported and treated as a permanent revocation.

(46) ‘Respondent’ means a person charged with responding in a disciplinary or other administrative action.

(47) ‘Revocation’ means the permanent cancellation or withdrawal of an authorization issued by the board. A person whose authorization has been permanently revoked by the board is permanently ineligible for an authorization of any kind from the board.

(48) ‘Significant disciplinary action’ means a public decision in a disciplinary matter that involves substantial issues of professional or ethical competence or qualification to practice. The board may consider any actions taken by the original board or conduct considered relevant to the applicant’s fitness for licensure to practice in this State.

(49) ‘State identification bureau’ means an authorized governmental agency responsible for receiving and screening the results of criminal history records checks in this State or another state.

(50) ‘Supervision’ means the process of critically observing, directing, and evaluating another person’s performance, unless otherwise provided by law.

(51) ‘Suspension’ means the temporary withdrawal of authorization to practice for either a definite or indefinite period of time ordered by the board. The holder of a suspended authorization to practice may petition the board for reinstatement to practice upon compliance with all terms and conditions imposed by the board.

(52) ‘Telemedicine’ means the practice of medicine using electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening practitioner.

(53) ‘Temporary license’ means a current, time-limited document that authorizes practice at the level for which one is seeking licensure.

(54) ‘Unprofessional conduct’ means acts or behavior that fail to meet the minimally acceptable standard expected of similarly situated professionals including, but not limited to, conduct that may be harmful to the health, safety, and welfare of the public, conduct that may reflect negatively on one’s fitness to practice, or conduct that may violate any provision of the code of ethics adopted by the board or a specialty.

(55) ‘Voluntary surrender’ means forgoing the authorization to practice by the subject of an initial or formal complaint pending further



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order of the board. It anticipates other formal action by the board and allows any suspension subsequently imposed to include this time.

(56) ‘Volunteer license’ means authorization of a retired practitioner to provide medical services to others through an identified charitable organization without remuneration.”

SECTION 5. Section 40-47-110(B) of the 1976 Code is amended by adding appropriately numbered new items to read:

“(26) engaged in a practice with an NP, CNM, or CNS without a practice agreement as defined in Section 40-47-20(35) in place at the time that practice was initiated and during its continuation; or

(27) failed to follow or comply with the practice agreement as defined in Section 40-47-20(35) while engaged in a practice with an NP, CNM, or CNS.”

SECTION 6. Section 40-47-195 of the 1976 Code is amended to read:

“Section 40-47-195. (A) A licensee who supervises another practitioner shall hold a permanent, active, unrestricted authorization to practice in this State and be currently engaged in the active practice of their respective profession or shall hold an active unrestricted academic license to practice medicine in this State.

(B) Pursuant to this chapter, only licensed physicians may supervise another practitioner who performs delegated medical acts in accordance with the practitioner’s applicable scope of professional practice authorized by state law. It is the supervising physician’s responsibility to ensure that delegated medical acts to ~~the APRN (NP, CNM, or CNS) or~~ other practitioners are performed under approved written scope of practice guidelines or approved written protocol in accordance with the applicable scope of professional practice authorized by state law. A copy of approved written scope of practice guidelines or approved written protocol, dated and signed by the supervising physician and the practitioner, must be provided to the board by the supervising physician within seventy-two hours of request by a representative of the department or board.

(C) In evaluating a written guideline or protocol, the board and supervising physician or medical staff shall consider the:

- (1) training and experience of the supervising physician;
- (2) nature and complexity of the delegated medical acts being performed;
- (3) geographic proximity of the supervising physician to the supervised practitioner; when the supervising physician is ~~to be more than forty-five miles from~~ not located at the same site as the supervised

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practitioner, special consideration must be given to the manner in which the physician intends to monitor the practitioner, and prior board approval must be received for this practice; and

(4) number of other practitioners the physician or medical staff supervises. Reference must be given to the number of supervised practitioners, as prescribed by law. When the supervising physician assumes responsibility for more than the number of practitioners prescribed by law, special consideration must be given to the manner in which the physician intends to monitor, and prior board approval must be received for this practice.

(D)(1) A physician or medical staff who is engaged in practice with an NP, CNM, or CNS must:

(a)(i) hold permanent, active, and unrestricted authorization to practice medicine in this State and be actively practicing medicine within the geographic boundaries of this State; or

(ii) hold an active, unrestricted academic license to practice medicine in this State and be actively practicing medicine within the geographic boundaries of this State;

(b) have in place prior to beginning practice and during its continuation a practice agreement as defined in Section 40-47-20(35), a copy of which the physician must make available to the board within seventy-two hours of a request;

(c) not enter into practice agreements with more than the equivalent of six full-time NPs, CNMs, or CNSs and must not practice in a situation in which the number of NPs, CNMs, or CNSs providing clinical services with whom the physician is working, combined with the number of physician assistants providing clinical services whom the physician is supervising, is greater than six individuals at any one time, provided, however, that the board may approve an exception to these requirements upon application by the physician, if the board determines that an exception is warranted and that quality of care and patient safety will be maintained;

(d) not enter into a practice agreement with an NP, CNM, or CNS performing a medical act, task, or function that is outside the usual practice of that physician or outside of the physician's training or experience, provided, however, that the board may approve an exception to this requirement upon application by the physician, if the board determines that an exception is warranted and that quality of care and patient safety will be maintained; and

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(e) maintain responsibility in the practice agreement for the health care delivery team pursuant to rules and regulations of the South Carolina Board of Medical Examiners.

(2) The board is authorized to conduct random audits of practice agreements.”

SECTION 7. This act takes effect ninety days after the approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator HUTTO spoke on the Bill.

The amendment was adopted.

On motion of Senator DAVIS, the Bill was carried over.

### **OBJECTION**

H. 4977 -- Reps. G.M. Smith, Simrill and Rutherford: 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 FOR THE OFFICE OF 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 JOINTLY ELECTED STATEWIDE CANDIDATES ARE THREE THOUSAND FIVE HUNDRED DOLLARS; TO AMEND SECTION 7-11-15, RELATING TO FILING

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AS A CANDIDATE FOR THE GENERAL ELECTION, SO AS TO PROVIDE, AMONG OTHER THINGS, IF MARCH THIRTIETH, THE DEADLINE FOR FILING IS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE TIME FOR FILING EXTENDS TO THE NEXT BUSINESS DAY; AND TO AMEND SECTION 7-13-45, RELATING TO THE ESTABLISHMENT OF 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.

Senator MASSEY objected to consideration of the Bill.

H. 3055 -- Reps. Robinson-Simpson, Clyburn, Gilliard, Mack, King and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STOP THE SCHOOL HOUSE TO JAIL HOUSE PIPELINE ACT" BY CREATING THE RESTORATIVE JUSTICE STUDY COMMITTEE TO REVIEW THE JUVENILE JUSTICE LAWS OF THE STATE AND MAKE RECOMMENDATIONS CONCERNING PROPOSED CHANGES TO FACILITATE AND ENCOURAGE DIVERSION OF JUVENILES FROM THE JUVENILE JUSTICE SYSTEM TO RESTORATIVE JUSTICE PRACTICES FOR SPECIFIC PURPOSES AND IN CERTAIN CIRCUMSTANCES, TO PROVIDE THE STUDY COMMITTEE SHALL MAKE RECOMMENDATIONS CONCERNING A RELATED PILOT PROGRAM, TO PROVIDE SPECIFIC REQUIREMENTS FOR THE PILOT PROGRAM, AND TO DEFINE A NECESSARY TERM; BY ADDING SECTION 59-63-212 SO AS TO PROVIDE THAT SCHOOL DISTRICTS SHALL ADOPT ZERO-TOLERANCE POLICIES THAT NOT BE RIGOROUSLY APPLIED TO PETTY ACTS OF MISCONDUCT AND MISDEMEANORS, MUST APPLY EQUALLY TO ALL STUDENTS REGARDLESS OF THEIR ECONOMIC STATUS, RACE, OR DISABILITY, AND THAT ARE INTENDED TO PROMOTE SAFE AND SUPPORTIVE LEARNING ENVIRONMENTS IN SCHOOLS, PROTECT STUDENTS AND STAFF FROM CONDUCT THAT POSES A SERIOUS THREAT TO SCHOOL SAFETY, ENCOURAGES SCHOOLS TO USE ALTERNATIVES TO EXPULSION OR REFERRAL, AMONG OTHER THINGS; BY ADDING SECTION 23-23-117 SO AS TO PROVIDE THAT THE CRIMINAL JUSTICE ACADEMY SHALL DEVELOP AND IMPLEMENT A CULTURAL COMPETENCY MODEL TRAINING

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PROGRAM CURRICULUM FOR SCHOOL RESOURCE OFFICERS, TO PROVIDE CONTENT REQUIREMENTS FOR THE CURRICULUM, AND TO REQUIRE SCHOOL RESOURCE OFFICERS TO COMPLETE TRAINING BASED ON THE CURRICULUM; AND TO REPEAL SECTIONS 59-63-235 AND 59-63-240 BOTH RELATING TO STUDENT EXPULSIONS.

Senator HEMBREE objected to consideration of the Bill.

S. 759 -- Senator Rankin: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO ALLOW AN EXEMPTION FOR THE DWELLING HOUSE AND ONE ACRE OF LAND FOR A PERSON WITH A BRAIN OR SPINAL CORD INJURY.

Senator CAMPSER objected to consideration of the Bill.

S. 785 -- Senator Cromer: A BILL TO AMEND SECTION 37-6-502, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO REVISE THE MEMBERSHIP OF THE COMMISSION.

Senator BENNETT objected to consideration of the Bill.

S. 412 -- Senators Campbell, Massey, J. Matthews, Shealy, Gambrell, Nicholson, Williams, Grooms, Allen, Talley, Rice and Turner: A BILL TO AMEND SECTION 12-6-3530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO INCREASE THE TAX CREDIT FOR COMMUNITY DEVELOPMENT CORPORATIONS AND COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FROM THIRTY-THREE PERCENT OF AMOUNTS INVESTED TO ONE-HUNDRED PERCENT OF AMOUNTS INVESTED, TO DELETE AN AGGREGATE CREDIT PROVISION AND SET AN ANNUAL LIMIT OF TAX CREDITS AT FIVE MILLION DOLLARS, TO ESTABLISH TAX CREDIT RESERVE ACCOUNTS FOR THE FIRST THREE QUARTERS OF EACH TAX YEAR SO AS TO AVOID THE DEPLETION OF CREDITS BY AN INDIVIDUAL TAXPAYER; TO DELETE THE PRO-RATA DISTRIBUTION OF TAX CREDITS, TO ALLOW FINANCIAL INSTITUTIONS WITH TAX LIABILITIES IN THIS STATE TO INVEST IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF RECEIVING A TAX CREDIT, TO PROVIDE THAT

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RETURNS ON INVESTMENTS IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS AND CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS MAY NOT EXCEED THE TOTAL AMOUNT OF THE INITIAL INVESTMENT, TO QUALIFY THE SOUTH CAROLINA ASSOCIATION FOR COMMUNITY ECONOMIC DEVELOPMENT AS A COMMUNITY DEVELOPMENT CORPORATION AND TO QUALIFY THE SOUTH CAROLINA COMMUNITY CAPITAL ALLIANCE AS A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION; AND TO AMEND SECTION 4 OF ACT 314 OF 2000, AS AMENDED, RELATING TO COMMUNITY DEVELOPMENT CORPORATIONS AND FINANCIAL INSTITUTIONS, SO AS TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT UNTIL JUNE 30, 2027.

Senator RANKIN objected to consideration of the Bill.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 1:22 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**Message from the House**

Columbia, S.C., January 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden Veto 3 by the Governor on R128, H. 3720 by a vote of 113 to 2:

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 3      Part 1B, Page 344, Section 33, Department of Health  
                 and Human Services - Proviso 33.25, DHHS: Personal  
                 Emergency Response System**

Respectfully submitted,  
Speaker of the House

[SJ]

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Received as information.

**VETO 3 SUSTAINED**

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 3 Part 1B, Page 344, Section 33, Department of Health  
and Human Services - Proviso 33.25, DHHS: Personal  
Emergency Response System**

The veto of the Governor was taken up for immediate consideration.

Senator ALEXANDER spoke on the veto.

Senator ALEXANDER moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 1; Nays 41**

**AYES**

Alexander

**Total--1**

**NAYS**

Allen	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Gregory
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

[SJ]

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**Total--41**

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., January 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden Veto 9 by the Governor on R128, H. 3720 by a vote of 111 to 3:

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 9      Part 1B, Page 374, Section 49, Department of Parks,  
Recreation and Tourism - Proviso 49.17, PRT:  
Welcome Center Complex Mowing**

Respectfully submitted,

Speaker of the House

Received as information.

**SUSTAINED**

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 9      Part 1B, Page 374, Section 49, Department of Parks,  
Recreation and Tourism - Proviso 49.17, PRT:  
Welcome Center Complex Mowing**

The veto of the Governor was taken up for immediate consideration.

Senator SETZLER spoke on the veto.

Senator SETZLER moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 0; Nays 42**

**AYES**



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**Total--0**

**NAYS**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., January 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden Veto 11 by the Governor on R128, H. 3720 by a vote of 109 to 2:

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 11    Part 1A, Page 85, Section 34, Department of Health and  
Environmental Control, Item I. Administration, New  
Position    Info Resource Consultant I: \$0 General  
Funds; \$0 Total Funds**

Respectfully submitted,  
Speaker of the House

Received as information.

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SUSTAINED

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 11    Part 1A, Page 85, Section 34, Department of Health and  
Environmental Control, Item    I. Administration, New  
Position Info Resource Consultant I: \$0 General  
Funds; \$0 Total Funds**

The veto of the Governor was taken up for immediate consideration.

Senator ALEXANDER spoke on the veto.

Senator ALEXANDER moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 0; Nays 42**

**AYES**

**Total--0**

**NAYS**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

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Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., January 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden Veto 16 by the Governor on R128, H. 3720 by a vote of 107 to 3:

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 16 Part IB, Page 320; Section 3, Lottery Expenditure Account - Proviso 3.4, LEA: FY 2017-18 Lottery Funding; Net lottery proceeds and investment earnings above the Fiscal Year 2016-17 certified surplus - Item 2 Commission on Higher Education - Research University STEM Equipment: \$1,000,000**

Respectfully submitted,

Speaker of the House

Received as information.

**VETO 16 SUSTAINED**

**R,128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 16 Part IB, Page 320; Section 3, Lottery Expenditure Account - Proviso 3.4, LEA: FY 2017-18 Lottery Funding; Net lottery proceeds and investment earnings above the Fiscal Year 2016-17 certified surplus - Item 2 Commission on Higher Education - Research University STEM Equipment: \$1,000,000**

The veto of the Governor was taken up for immediate consideration.

Senator PEELER spoke on the veto.

Senator PEELER moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 0; Nays 42**

**AYES**

**Total--0**

**NAYS**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., January 9, 2018

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden Veto 22 by the Governor on R128, H. 3720 by a vote of 106 to 1:

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 22    Part 1B, Page 320; Section 3, Lottery Expenditure  
Account - Proviso 3.4, LEA: FY 2017-18 Lottery  
Funding; Unclaimed prize funds in excess of the Board**

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**of Economic Advisors estimate - Item 2 Commission on  
Higher Education - PASCAL: \$1,500,000**

Respectfully submitted,

Speaker of the House

Received as information.

**VETO 22 SUSTAINED**

**R128, H. 3720--GENERAL APPROPRIATIONS ACT**

**Veto 22 Part 1B, Page 320; Section 3, Lottery Expenditure  
Account - Proviso 3.4, LEA: FY 2017-18 Lottery  
Funding; Unclaimed prize funds in excess of the Board  
of Economic Advisors estimate - Item 2 Commission on  
Higher Education - PASCAL: \$1,500,000**

The veto of the Governor was taken up for immediate consideration.

Senator PEELER spoke on the veto.

Senator PEELER moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 0; Nays 42**

**AYES**

**Total--0**

**NAYS**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Rice

[SJ]

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Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Timmons	Turner
Verdin	Williams	Young

**Total--42**

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS  
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 954 -- Senators Leatherman, Setzler, Massey and Fanning: A JOINT RESOLUTION TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM ISSUING AN ORDER FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT UNTIL NINETY DAYS AFTER THE SOUTH CAROLINA GENERAL ASSEMBLY ADJOURNS SINE DIE FOR THE 2018 LEGISLATIVE SESSION, BUT TO PERMIT AN EXPERIMENTAL RATE ORDER TO REVISE ELECTRIC RATES IN ACCORDANCE WITH CHAPTER 34, TITLE 58.

On motion of Senator MASSEY, the Resolution was carried over.

**THE SENATE PROCEEDED TO A CALL OF THE CONTESTED  
STATEWIDE AND LOCAL CALENDAR.**

**CARRIED OVER**

H. 3867 -- Reps. Herbkersman, Pitts, Hayes, Anthony, Cobb-Hunter, Whipper and Brown: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROPERTY TAX, SO AS TO EXEMPT ALL PROPERTY DEVOTED TO HOUSING LOW INCOME RESIDENTS IF THE PROPERTY IS OWNED BY AN INSTRUMENTALITY OF A NONPROFIT HOUSING CORPORATION.

On motion of Senator MASSEY, the Bill was carried over.

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**Motion Adopted**

On motion of Senator PEELER, with unanimous consent, Senators CORBIN, TIMMONS, ALLEN, TURNER, VERDIN, REESE, TALLEY, MARTIN and PEELER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**ACTING PRESIDENT PRESIDES**

Senator SHEALY assumed the Chair.

**PRESIDENT PRESIDES**

At 2:31 P.M., the PRESIDENT assumed the Chair.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4977 -- Reps. G.M. Smith, Simrill and Rutherford: 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 FOR THE OFFICE OF 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 JOINTLY ELECTED STATEWIDE CANDIDATES ARE THREE THOUSAND FIVE HUNDRED DOLLARS; TO AMEND SECTION 7-11-15, RELATING TO FILING AS A CANDIDATE FOR THE GENERAL ELECTION, SO AS TO PROVIDE, AMONG OTHER THINGS, IF MARCH THIRTIETH,

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THE DEADLINE FOR FILING IS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE TIME FOR FILING EXTENDS TO THE NEXT BUSINESS DAY; AND TO AMEND SECTION 7-13-45, RELATING TO THE ESTABLISHMENT OF 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.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

Senator MALLOY proposed the following amendment (JUD4977.004), which was tabled:

Amend the bill, as and if amended, page 7, beginning on line 41, by striking PART IV in its entirety, and inserting therein the following:

/ 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



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~~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.”

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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 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 17. 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 18. 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.

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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 19. 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 20. 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 21. 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;

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(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;

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

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

SECTION 22. 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~~ President of the Senate or his designee;

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

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

(6) 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

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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 23. 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 24. 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

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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 25. 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 26. 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 27. 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 28. 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

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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 29. 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 30. 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

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regional level of the state aging network and the focal points represent the local level of the state aging network.”

SECTION 31. 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 32. 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 33. 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 34. Section 43-21-130(A)(1) of the 1976 Code is amended to read:

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

SECTION 35. 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 36. 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 of the~~ Department on Aging;”

SECTION 37. 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~~, Alzheimer’s Disease and Related Disorders Resource Coordination Center of the Department on Aging, the Department of Health and Environmental Control, and the



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Office of Research and Statistics of the Revenue and Fiscal Affairs Office.”

SECTION 38. 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 39. 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 40. 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;

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- (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 41. 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 42. 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 43. 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**

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SECTION 44. PARTS I, II, and III of this act take effect upon approval by the Governor and are applicable to the 2018 General Election. PARTS IV and V take effect on January 1, 2019. All other PARTS take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator CAMPSEN spoke on the amendment.

Senator MALLOY spoke on the Bill.

Senator SETZLER spoke on the amendment.

Senator CAMPSEN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 24; Nays 15**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Gregory	Grooms
Leatherman	Martin	Massey
Peeler	Rice	Senn
Shealy	Talley	Timmons
Turner	Verdin	Young

**Total--24**

**NAYS**

Allen	Fanning	Johnson
Kimpson	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Setzler	Williams

**Total--15**

The amendment was laid on the table.

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**Point of Quorum**

Senator FANNING made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator MALLOY proposed the following amendment (JUD4977.005), which was withdrawn:

Amend the bill, as and if amended, page 7, beginning on line 41, by striking PART IV in its entirety, and inserting therein the following:

/ 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:

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(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;

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“(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.”

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“(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

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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.”

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“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.”

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

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“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.”

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SECTION 19. 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 20. 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 21. 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;

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

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

SECTION 22. 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~~ President of the Senate or his designee;

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

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

(6) 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).



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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 23. 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 24. 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
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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

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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 25. 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 26. 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 27. 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 28. 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

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~~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 29. 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 30. 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 31. Section 43-21-60 of the 1976 Code is amended to read:

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“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 32. 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 33. 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 34. Section 43-21-130(A)(1) of the 1976 Code is amended to read:

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

SECTION 35. 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 36. 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 of the~~ Department on Aging;”

SECTION 37. 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~~, 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.”

SECTION 38. Section 44-36-310 of the 1976 Code is amended to read:

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“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 39. 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 40. 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;

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(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 41. 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 42. 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

#### Salaries

SECTION 43. Section 1-1-1210 of the 1976 Code is amended to read:

"Section 1-1-1210. ~~The annual salaries of the state officers listed below are:~~

Governor	\$98,000
Lieutenant Governor	43,000
Secretary of State	85,000
State Treasurer	85,000
Attorney General	85,000
Comptroller General	85,000
Superintendent of Education	85,000
Adjutant General	85,000
Commissioner of Agriculture	85,000

~~These salaries must be increased by two percent on July 1, 1991, and on July first of each succeeding year through July 1, 1994.~~

Beginning in 2018 and every four years thereafter, the Agency Head Salary Commission shall commission a study to recommend a salary

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range for each state constitutional officer and the justices of the South Carolina Supreme Court based on each state constitutional officer's or justice's job duties and responsibilities as well as the pay of other state constitutional officers and justices in other states. The commission shall then determine a salary for each state constitutional officer and justice within the recommended pay range subject to funding being provided in the annual appropriations act.

A state officer whose salary is provided in this section may not receive compensation for ex officio service on any state board, committee, or commission.

Individuals appointed to the Agency Head Salary Commission must recuse themselves from the deliberation and vote regarding their appointer's salary."

#### **PART IX**

##### **Severability**

SECTION 44. 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 X**

##### **Effective Dates**

SECTION 45. PARTS I, II, and III of this act take effect upon approval by the Governor and are applicable to the 2018 General Election. PARTS IV and V take effect on January 1, 2019. All other PARTS take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

#### **Point of Order Withdrawn**

Senator CAMPSSEN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

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On motion of Senator CAMPSSEN, with unanimous consent, the Point of Order was withdrawn.

Senator KIMPSON spoke on the amendment.

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

Senator MALLOY proposed the following amendment (JUD4977.006), which was withdrawn:

Amend the bill, as and if amended, page 7, beginning on line 41, by striking PART IV in its entirety, and inserting therein the following:

/ 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



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(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:

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“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 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 17. 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 18. 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

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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.”

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SECTION 21. 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;

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

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(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;

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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

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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.”

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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

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14. Department of Motor Vehicles
15. Department of Natural Resources
16. Department of Parks, Recreation and Tourism
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“(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 26. 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 27. 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 28. 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.

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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 29. 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 30. 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.”

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SECTION 31. 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 32. 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 33. 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 34. Section 43-21-130(A)(1) of the 1976 Code is amended to read:

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

SECTION 35. 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 36. 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 of the~~ Department on Aging;”

SECTION 37. 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~~, 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.”



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SECTION 38. 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 39. 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 40. 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;

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- (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 41. 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 42. 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**

**Salaries**

SECTION 43. Section 1-1-1210 of the 1976 Code is amended to read:

"Section 1-1-1210. ~~The annual salaries of the state officers listed below are:~~

Governor	\$98,000
Lieutenant Governor	43,000
Secretary of State	85,000
State Treasurer	85,000
Attorney General	85,000
Comptroller General	85,000
Superintendent of Education	85,000
Adjutant General	85,000
Commissioner of Agriculture	85,000

~~These salaries must be increased by two percent on July 1, 1991, and on July first of each succeeding year through July 1, 1994.~~

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(A) Beginning in 2018 and every four years thereafter, the General Assembly, in the annual general appropriations act, shall provide a salary for the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Comptroller General, Superintendent of Education, Adjutant General, and Commissioner of Agriculture. The salaries provided in the annual general appropriations act shall take effect for each officer at the beginning and through the duration of that officer's four-year term.

(B) A state officer whose salary is provided in this section may not receive compensation for ex officio service on any state board, committee, or commission."

SECTION 44. Section 14-1-200 of the 1976 Code is amended to read:

"Section 14-1-200. (A) The General Assembly shall establish the salary of the Chief Justice and Associate Justices of the Supreme Court in the annual general appropriation appropriations act with the salary of the Chief Justice to be one hundred eighty thousand dollars, an amount which is one hundred five percent of the salary fixed for Associate Justices of the Supreme Court, and shall fix the salaries for the court of appeals, circuit court, and family court according to the following schedule:

(1) The chief judge of the court of appeals shall receive a salary in an amount equal to ninety nine percent of the salary fixed for Associate Justices of the Supreme Court an Associate Justice of the Supreme Court shall receive a salary in an amount equal to ninety-five percent of the salary fixed for the Chief Justice;

(2) Judges of the court of appeals shall receive a salary in an amount equal to ninety seven and one half percent of the salary fixed for Associate Justices of the Supreme Court, and circuit court judges shall receive a salary in an amount equal to ninety five percent of the salary fixed for Associate Justices of the Supreme Court the chief judge of the court of appeals shall receive a salary in an amount equal to ninety-nine percent of the salary fixed for Associate Justices of the Supreme Court;

(3) Judges of the family court shall receive a salary in an amount equal to ninety two and one half percent of the salary fixed for Associate Justices of the Supreme Court judges of the court of appeals shall receive a salary in an amount equal to ninety-seven and one-half percent of the salary fixed for Associate Justices of the Supreme Court;

(4) circuit court judges shall receive a salary in an amount equal to ninety-five percent of the salary fixed for Associate Justices of the Supreme Court; and

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(5) judges of the family court shall receive a salary in an amount equal to ninety-two and one-half percent of the salary fixed for Associate Justices of the Supreme Court.

(B) Beginning July 1, 2022 and every four years thereafter, the salary of the Chief Justice shall be adjusted based on the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U); U.S. City Average; All items, not seasonally adjusted; 1982–1984=100 reference base. The Executive Budget Office of the Department of Administration shall calculate the required salary adjustment in accordance with this provision based on the percent change in CPI from July 1 four years before the required salary adjustment date through the December index published in mid-January of the calendar year salary adjustments are required, not to exceed five percent. In no event shall the Chief Justice' salary decrease. By January 31, 2022 and every four years after that time, the Executive Budget Office must publish a report of the calculated salary adjustment for the Chief Justice on its website and submit the report to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee.”

#### **PART IX**

##### **Severability**

SECTION 45. 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 X**

##### **Effective Dates**

SECTION 46. PARTS I, II, and III of this act take effect upon approval by the Governor and are applicable to the 2018 General Election. PARTS IV and V take effect on January 1, 2019. All other PARTS take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

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On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

Senator MALLOY proposed the following amendment (JUD4977.007) which was ruled out of order:

Amend the bill, as and if amended, page 7, beginning on line 41, by striking PART IV in its entirety, and inserting therein the following:

/ 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

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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

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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 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 17. 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 18. 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 19. Section 14-27-40(2) of the 1976 Code is amended to read:

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“(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 20. 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 21. 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;
- (9) one member representing environmental interests appointed by the Governor; and
- (10) the ~~Lieutenant Governor~~ President of the Senate or his designee.”



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SECTION 22. 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~~ President of the Senate or his designee;

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

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

(6) 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

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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 23. 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 24. 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

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- 20. Department of Social Services
- 21. Department of Transportation
- 22. Department of Employment and Workforce
- 23. Department on Aging.

SECTION 25. 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 26. 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 27. 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 28. 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

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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 29. 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 30. 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 31. 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

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present and future needs of the elderly and with the work of the ~~division~~ department during the year.”

SECTION 32. 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 33. 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 34. Section 43-21-130(A)(1) of the 1976 Code is amended to read:

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

SECTION 35. 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 36. 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 of the~~ Department on Aging;”

SECTION 37. 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~~, 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.”

SECTION 38. 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,

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information and referral, and caregiver support services to individuals with Alzheimer's disease and related disorders, their families, and caregivers."

SECTION 39. 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 40. 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.

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(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 41. 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 42. 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**

**Salaries**

SECTION 43. Section 1-1-1210 of the 1976 Code is amended to read:

“Section 1-1-1210. ~~The annual salaries of the state officers listed below are:~~

<del>Governor</del>	<del>\$98,000</del>
<del>Lieutenant Governor</del>	<del>43,000</del>
<del>Secretary of State</del>	<del>85,000</del>
<del>State Treasurer</del>	<del>85,000</del>
<del>Attorney General</del>	<del>85,000</del>
<del>Comptroller General</del>	<del>85,000</del>
<del>Superintendent of Education</del>	<del>85,000</del>
<del>Adjutant General</del>	<del>85,000</del>
<del>Commissioner of Agriculture</del>	<del>85,000</del>

~~These salaries must be increased by two percent on July 1, 1991, and on July first of each succeeding year through July 1, 1994.~~

(A) Beginning in 2018 and every four years thereafter, the General Assembly, in the annual general appropriations act, shall provide a salary for the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Comptroller General, Superintendent of Education, Adjutant General, and Commissioner of Agriculture. The salaries provided in the annual general appropriations act shall take

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effect for each officer at the beginning and through the duration of that officer's four-year term.

(B) A state officer whose salary is provided in this section may not receive compensation for ex officio service on any state board, committee, or commission.”

**PART IX**

**Severability**

SECTION 44. 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 X**

**Effective Dates**

SECTION 45. PARTS I, II, and III of this act take effect upon approval by the Governor and are applicable to the 2018 General Election. PARTS IV and V take effect on January 1, 2019. All other PARTS take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

**Point of Order**

Senator CAMPSSEN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator MALLOY spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Senator MALLOY proposed the following amendment (JUD4977.008), which was tabled:



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Amend the bill, as and if amended, page 4, by striking line 31, in Section 8-13-1314 (A)(1)(b), as contained in SECTION 5 and inserting therein the following:

/ (b) five thousand dollars in the aggregate for /  
Renumber sections to conform.  
Amend title to conform.

Senator MALLOY spoke on the amendment.

Senator CAMPSSEN moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 23; Nays 14**

**AYES**

Alexander	Bennett	Campbell
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Gregory	Grooms
Leatherman	Massey	Peeler
Rice	Senn	Setzler
Shealy	Timmons	Turner
Verdin	Young	

**Total--23**

**NAYS**

Allen	Fanning	Johnson
Kimpson	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Reese	Sabb
Scott	Williams	

**Total--14**

The amendment was laid on the tabled.

Senator MALLOY spoke on the Bill.

The question then being third reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 39; Nays 0**

**AYES**

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Hutto
Johnson	Kimpson	Leatherman
Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Timmons	Turner
Verdin	Williams	Young

**Total--39**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read third time, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Calhoun County Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Jeffrey Bloom, 143 Buckhead Lane, Sandy Run, SC 29160 *VICE*  
Robert R. Lake

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Initial Appointment, Charleston County Part-Time Magistrate, with the term to commence April 30, 2018, and to expire April 30, 2022

Theresa J. Leinbach, 1635 Folly Creek Way, Charleston, SC 29412-9573

**Motion to Ratify Adopted**

At 4:10 P.M., Senator LEATHERMAN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Captain M.D. Thompson of Lexington, S.C. Captain Thompson retired from the South Carolina Highway Patrol. He was the father of our beloved Butch Thompson who is a long-time Senate employee. Captain Thompson was a loving husband and devoted father who served our State well and will be dearly missed.

**ADJOURNMENT**

At 4:11 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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