**South Carolina General Assembly**

122nd Session, 2017-2018

**A154, R164, S1014**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Reese, Peeler, Talley and Martin

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Companion/Similar bill(s): 4933

Introduced in the Senate on February 14, 2018

Introduced in the House on April 3, 2018

Passed by the General Assembly on April 6, 2018

Governor's Action: April 17, 2018, Signed

Summary: Regional Health Services Board of Directors

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/14/2018 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h%3A%5Csj%5C20180214.docx))

 2/14/2018 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 4](file:///h%3A%5Csj%5C20180214.docx))

 3/15/2018 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 9](file:///h%3A%5Csj%5C20180315.docx))

 3/16/2018 Scrivener's error corrected

 3/22/2018 Senate Read second time ([Senate Journal‑page 19](file:///h%3A%5Csj%5C20180322.docx))

 3/22/2018 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 19](file:///h%3A%5Csj%5C20180322.docx))

 3/27/2018 Senate Read third time and sent to House ([Senate Journal‑page 16](file:///h%3A%5Csj%5C20180327.docx))

 4/3/2018 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 80](file:///h%3A%5Chj%5C20180403.docx))

 4/4/2018 Scrivener's error corrected

 4/5/2018 House Read second time ([House Journal‑page 33](file:///h%3A%5Chj%5C20180405.docx))

 4/5/2018 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 33](file:///h%3A%5Chj%5C20180405.docx))

 4/5/2018 House Unanimous consent for third reading on next legislative day ([House Journal‑page 34](file:///h%3A%5Chj%5C20180405.docx))

 4/6/2018 House Read third time and enrolled ([House Journal‑page 1](file:///h%3A%5Chj%5C20180406.docx))

 4/12/2018 Ratified R 164

 4/17/2018 Signed By Governor

 4/24/2018 Effective date 04/17/18

 4/30/2018 Act No. 154

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**VERSIONS OF THIS BILL**

[2/14/2018](file:///p%3A%5Cpprever%5C2017-18%5C1014_20180214.docx)

[3/15/2018](file:///p%3A%5Cpprever%5C2017-18%5C1014_20180315.docx)

[3/16/2018](file:///p%3A%5Cpprever%5C2017-18%5C1014_20180316.docx)

[4/3/2018](file:///p%3A%5Cpprever%5C2017-18%5C1014_20180403.docx)

[4/4/2018](file:///p%3A%5Cpprever%5C2017-18%5C1014_20180404.docx)

(A154, R164, S1014)

**AN ACT TO AMEND SECTION 44‑7‑2060, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF A REGIONAL HEALTH SERVICES DISTRICT’S BOARD OF DIRECTORS, SO AS TO PROVIDE THAT THE STATE INTEREST SHALL PREVAIL IF A CONFLICT EXISTS BETWEEN THE ANTITRUST LAWS OF THE STATE OR THE UNITED STATES AND THE EXERCISE OF POWER BY A REGIONAL HEALTH SERVICES DISTRICT WITH RESPECT TO THE OWNERSHIP, OPERATION, MANAGEMENT, OR LEASE OF A HOSPITAL, HEALTH CARE FACILITY, OR OTHER EXERCISE OF POWER.**

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

**Regional health services districts, antitrust laws**

SECTION 1. Section 44‑7‑2060 of the 1976 Code is amended to read:

 “Section 44‑7‑2060. (A) The board shall have the following powers and duties:

 (1) Have perpetual succession.

 (2) Adopt, use, and alter a corporate seal.

 (3) Make bylaws for the management and regulation of its affairs, and define a quorum for its meetings.

 (4)(a) To acquire, by purchase or otherwise, any real property for any authorized use;

 (b) To acquire by purchase or otherwise personal property deemed by it to be necessary and to dispose of such property when in its judgment, it is in the best interest of the district.

 (5) Deposit and withdraw moneys realized from the sale of revenue bonds issued pursuant to provisions herein, and to expend the moneys in the manner prescribed by the proceedings authorizing the issuance of the revenue bonds.

 (6) Deposit moneys derived from revenue producing facilities or services in any bank or trust company having an office within the district and withdraw the moneys for district purposes.

 (7) Build, maintain, and equip and operate regional health care facilities or any other hospital or health care related facility in its charge under such rules and regulations as the board may from time to time promulgate.

 (8) Provide for the operation of its regional health care facilities or any other hospital or health care related facility in its charge.

 (9) Exercise the power of eminent domain in accordance with Chapter 5, Title 28 of the 1976 Code.

 (10) Appoint personnel and prescribe the duties of such, fix their compensation and determine if and to what extent they shall be bonded for the faithful performance of their duties.

 (11) Employ technical or professional services as may be desirable to the performance of the duties in the district.

 (12) Apply for moneys from any source, public or private, made available by grant or loan or both for the purposes of the district. All federal moneys accepted under such terms and conditions as are prescribed by the United States and as are consistent with state law, and all other moneys accepted under this section shall be accepted and expended by the board upon such terms and conditions as are prescribed by the State or other sources thereof.

 (13) To take such action as may be necessary to carry out the purposes of this article.

 (14) Lease land or any hospital facility to any public or private hospital upon such terms, conditions and for such length of time as it may determine to be appropriate consistent with the purpose of providing health care services for the district.

 (15) To exercise on behalf of the district all of the powers relating to the issuance of bonds granted to the governing bodies of counties under Article 11, Chapter 7, Title 44 of the 1976 Code (the Hospital Revenue Bond Act).

 (B) As a basis for the power granted in subsection (A), the legislature hereby finds that:

 (1) the nature and scope of the powers conferred on regional health services districts hereunder are such as may compel each regional health services district, in the course of exercising its powers or by virtue of such exercise of powers, to engage in activities that may be characterized as ‘anticompetitive’ pursuant to the antitrust laws of this State or the United States; and

 (2) the state interest covered hereunder shall prevail if any such conflict exists between the antitrust laws of the State or the United States and the exercise of power hereunder by a regional health services district with respect to the ownership, operation, management, or lease of a hospital, health care facility, or other exercise of power hereunder, as an expression of the overriding public policy of this State with respect to the performance and fulfillment of a regional health service district’s public purpose to ensure for the provision of adequate health care to residents of this State.”

**Time effective**

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

Ratified the 12th day of April, 2018.

Approved the 17th day of April, 2018.

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