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COMMITTEE REPORT

March 21, 2018

**H. 4933**

Introduced by Reps. Cole, Forrester, Allison, Tallon, Anthony, Long, Chumley, Henderson‑Myers, Magnuson and V.S. Moss

S. Printed 3/21/18--H.

Read the first time February 14, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4933) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

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:

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~~ monies 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.”

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

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