

May 17, 2007

2007-2008 Legislative Session

Legislative News is a bi-weekly publication prepared and distributed by the SCDMH Office of Public and Legislative Affairs to keep you informed of bills introduced in the General Assembly that may affect DMH, mental health, health care issues, or employee issues. In addition, we will provide budget information and general news from the General Assembly. You can also access the complete bills online by clicking the link at the end of each description, OR by visiting <http://www.scstatehouse.net>.

This publication is also available on the DMH Internet and Intranet sites. However, if you do not have access to the site and wish to receive a copy of the update, call us, and we will send you one in the mail. If at any time you have questions or need more information about bills or other legislative issues, contact Alyce McEachern in the Office of Public and Legislative Affairs by email at acm83@scdmh.org, or by phone at (803) 898-8585.

Budget Update

The Conference Committee on the FY08 Appropriations Act has been appointed and began meeting on May 14. The conferees are Representative Cooper, Representative Edge, Representative Neilson, Senator Leatherman, Senator Land, and Senator Peeler. Conference committee is the last stage of the state appropriations process before the act goes to the Governor to sign or veto.

Conference committee must adopt those items that are the same in both chambers' version of the appropriations bill (except under very rare circumstances). Items that are the *same* in both chambers' bills to date are:

Operating Appropriations

Request Priority 1 - \$5,025,000 of recurring funds to "annualize" 35 acute beds at Bryan Psychiatric Hospital and for operation of the Veterans' Victory House.

Request Priority 3 - \$5,400,000 of recurring funds for critical outpatient mental health services.

Request Priority 4 - \$4,395,612 of recurring funds for growth in the sexually violent predator program.

Items that *differ* between the two chambers' bills and must therefore be worked out in conference committee are:

Operating Appropriations

Request Priority 2 - The House appropriated \$1.5 million in recurring funds; the Senate appropriated \$1 million in nonrecurring funds.

Capital Appropriations

Request Priority 1 - The House appropriated \$4 million for renovation of Bryan; the Senate appropriated \$7,800,000.

Request Priority 2 - The House appropriated \$1,925,000 for deferred maintenance needs for community mental health centers; the Senate appropriated \$1,145,000.

Request Priority 3 - The House appropriated \$2,250,000 for deferred maintenance needs for inpatient facilities; the Senate appropriated \$2,000,000.

Request Priority 4 - The House appropriated \$750,000 by proviso for McCormick Satellite Construction; the Senate appropriated \$250,000 by proviso.

Request Priority 5 - The House appropriated \$50,000 for Columbia Area Mental Health Center construction; the Senate appropriated \$4,430,000.

If you have questions regarding appropriations, contact Sharon Mancuso at (803) 898-8513 or spm12@scdmh.org.

Senate Bills

S 190 Criminal Sexual Contact with Minors (Ritchie and others)

A bill to require the Department of Mental Health to establish a certification process for sex offender treatment providers and to provide that sex offender treatment ordered by the court or provided by the state must be provided by a certified treatment provider; and to provide that the Department of Mental Health convene a committee to study the Sexually Violent Predator Act to review and evaluate the operation and effectiveness of the Act and submit a report and recommendations to the General Assembly before January 1, 2009. [View full text.](#)

Referred to Subcommittee on Judiciary.

S 198 Intervention by School Officials (Ritchie and others)

A bill relating to the offense of disturbing schools, to provide greater specificity for the types of conduct which constitute the offense and to provide for intervention by school officials prior to referring some cases to court (if a Team Intervention Committee is established, it could include someone from a DMH Community Mental Health Center).

[View full text.](#)

Referred to Subcommittee on Judiciary; favorable with amendment.

S 353 (Companion Bill to H 3135) A Joint Resolution – Statewide Comprehensive Service Delivery System (Lourie)

A bill to establish a study committee to develop a statewide comprehensive service delivery system for persons with epilepsy in this state and to provide for the membership, duties, and responsibilities of the study committee. Requires a representative from the Department of Mental Health to serve on the committee. [View full text.](#)

Referred to Committee on Medical Affairs.

S 372 Rules of Conduct for State Employees (Peeler and others)

A bill to provide that state agencies that serve as the primary host or sponsorship of an event are prohibited from obtaining sponsorships for the event, and defines specific terms. [View full text.](#)

Referred to Committee on Judiciary.

S 397 Joint Resolution Directing the Department of Mental Health to Transfer Money to the City of Columbia for Homeless Programs (Patterson and others)

A bill directing DMH to transfer to the City of Columbia the funds appropriated (\$750,000) pursuant to Proviso 73.17, Act 397 of 2006, for the renovation and operation of the Williams Building Cooperative Ministries Homeless Shelter.

[View full text.](#)

Senate read third time and sent to House. Referred to Committee on Ways and Means.

House Bills (*introduced since last *Legislative News*)

H 3024 Establishing the South Carolina Sunset Commission and Sunset Review Division of the Legislative Audit Council (Rice and others)

A bill to establish procedures providing for the manner in which the programs of certain agencies and departments of state government must be evaluated to determine if they should be continued in existence, modified, or terminated and to establish the procedures relating thereto. [View full text.](#)

Referred to Committee on Ways and Means; favorable with amendment. Read 3rd time and sent to Senate. Referred to Committee on Judiciary.

H 3073 Restructuring Bill of 2007 (W.D. Smith and others)

A bill to establish the Department of Behavioral Health Services and to establish within this department the divisions of Alcohol and Other Drug Abuse Services, Continuum of Care, Disabilities and Special Needs, and Mental Health by transferring to the Department of Behavioral Health Services the operations of the Department of Alcohol and Other Drug Abuse Services, the operations of the Department of Disabilities and Special Needs, the operations of the Continuum of Care for Emotionally Disturbed Children from the Governor's Office, and the operations of the Department of Mental Health. [View full text.](#)

Referred to Committee on Ways and Means.

H 3120 Determination of Capacity to Stand Trial of Persons Charged with a Crime or Civil Contempt (Kirsh)

A bill to provide a procedure to suspend and reinstate a person's driver's license or privilege to drive if the person is unable to stand trial because of a mental condition. [View full text.](#)

Referred to Committee on Judiciary.

H 3124 Public School Enrollment Choice (Walker)

A bill to provide for the public school Open Enrollment Choice Program in the public school system of this state. Section 59-62-20 uses the words "Good Cause." This means a change in the child's residence due to a change in parent or guardian's residence, a change in a child's parent's marital status, a change caused by a guardianship or custody proceeding, placement of a child in foster care, adoption, participation by a child in a foreign exchange program, or participation by a child in a substance abuse or mental health program, etc. [View full text.](#)

Referred to Committee on Education and Public Works. Read 3rd time and sent to Senate. Referred to Committee on Education; favorable with amendment. Special Order set for May 8.

H 3135 A Joint Resolution – Statewide Comprehensive Service Delivery System (J.E. Smith)

A bill to establish a study committee to develop a statewide comprehensive service delivery system for persons with epilepsy in this state and to provide for the membership, duties, and responsibilities of the study committee. Requires a representative from the Department of Mental Health to serve on the committee. [View full text.](#)

Read third time and sent to Senate. Referred to Committee on Medical Affairs.

H 3279 Establishing the Mobility Development Authority as a Division within the State Budget and Control Board (Scott)

A bill to delete the Mass Transit Division. All public transportation duties, responsibilities, and funding of the State Department of Social Services, the State Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, and the State Department of Health and Human Services are devolved upon the Mobility Development Authority. [View full text.](#)

Referred to Committee on Education and Public Works.

H 3376 Moving the Care and Treatment of Sexually Violent Predators from the Department of Mental Health to the Department of Corrections (Lucas and Cooper)

A bill relating to the commitment, treatment, and periodic review of persons determined to be sexually violent predators to provide that the responsibility for the housing, control, care, and treatment of these persons is the responsibility of the Department of Corrections rather than the Department of Mental Health. [View full text.](#)

Referred to Committee on Judiciary.

H 3406 Hospital Patient Safety Act (Sellers and others)

A bill to amend Section 44-7-3455, Code of Laws of South Carolina, 1976, relating to hospitals not subject to the Hospital Patient Safety Act, so as to provide that provisions of that Act do not apply to hospitals owned or operated by the Department of Mental Health or other specialty hospitals under contract with DAODAS. [View full text.](#)

Ratified May 9. R 51.

H 3797 Licensure of Health Facilities (Chalk)

A bill to amend Section 44-7-130, Code of Laws of South Carolina, 1976, relating to definitions used in connection with the licensure of health facilities, so as to add a definition for an "in-home care service provider"; and to amend Section 44-7-260, relating to requirements for licensure of a health facility, so as to make the licensure requirements applicable to an "in-home care service provider." [View full text.](#)

Referred to Committee on Medical, Military, Public and Municipal Affairs.

H 3879 Community Residential Care Facilities (Kirsh and Pinson)

A bill to amend Section 44-7-350, Code of Laws of South Carolina, 1976, relating to community residential care facilities, so as to provide that the Department of Health and Environmental Control may not remove a resident from such a facility if the resident, the resident's family, the resident's physician, and the facility agree to the resident's continued stay and if the facility is capable of providing or obtaining necessary services for the resident. [View full text.](#)

Referred to Committee on Medical, Military, Public and Municipal Affairs.

H 3936 Reporting Death of Vulnerable Adults to SLED (White)

A bill to amend Section 43-35-35, as amended, Code of Laws of South Carolina, 1976, relating to requirements for reporting deaths of vulnerable adults to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, so as to exempt reporting deaths of vulnerable adult residents in nursing homes contracted for operation by the Department of Mental Health. [View full text.](#)
Referred to Committee on Judiciary.

***H 3964 Concealable Weapons Permit (Duncan and others)**

A bill to amend the Code of Laws of South Carolina, 1976, by adding Section 23-31-250 so as to provide that a person who possesses a concealable weapons permit may carry a concealable weapon on his person while on the premises or property of a public educational institution. [View full text.](#)

Referred to Committee on Judiciary. An amendment was introduced in the House Criminal Laws Subcommittee on 5/16/07 by adding, in part: *Section 23-21-245. Notwithstanding another provision of law, if a person is involuntarily committed to the Department of Mental Health pursuant to Chapter 17 of Title 44, documents concerning the involuntary commitment filed with any department or division of the State, must be transmitted to SLED to be utilized by SLED when determining, pursuant to federal law or any other provision of law, whether a person is qualified to obtain a concealable weapons permit.*”