

## PART IB

## OPERATION OF STATE GOVERNMENT

## SECTION 1 - H630 - DEPARTMENT OF EDUCATION

1.1. (SDE: Appropriation Transfer Prohibition) The amounts appropriated herein for aid to subdivisions, allocations to school districts, or special line items shall not be transferred and must be expended in accordance with the intent of the appropriation, except that the department may transfer funds that are deducted and retained from a school district's transportation allocation to reimburse the department for the cost of unauthorized mileage. This transfer must be agreed upon by both the school district and the department. Those funds may be transferred into the department's school bus transportation operating account.

1.2. (SDE: DHEC - Comprehensive Health Assessment) All school districts shall participate, to the fullest extent possible, in the Medicaid program by seeking appropriate reimbursement for services and administration of health and social services. Reimbursements to the school districts shall not be used to supplant funds currently being spent on health and social services.

1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor) To the extent possible within available funds, it is the intent of the General Assembly to provide for one hundred percent of full implementation of the Education Finance Act to include an inflation factor projected by the Revenue and Fiscal Affairs Office to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year has been determined to be ~~\$2,425~~ \$2,485. For the current fiscal year, the total pupil count is projected to be ~~721,404~~ 727,513. The average per pupil funding is projected to be ~~\$6,120~~ \$6,198 state, of which ~~\$2,339~~ \$2,372 comes from the EFA, ~~\$1,294~~ \$1,281 federal, and ~~\$5,726~~ \$5,982 local. This is an average total funding level of ~~\$13,140~~ \$13,461 excluding revenues of local bond issues. For the current fiscal year the South Carolina Public Charter School District and any institution of higher education sponsoring a public charter school shall receive and distribute state EFA funds to the charter school as determined by one hundred percent of the current year's base student cost, as funded by the General Assembly multiplied by the weighted students pupils enrolled in the charter school, which must be subject to adjustment for student attendance.

The Revenue and Fiscal Affairs Office, must post in a prominent place on their website for each school district projections, including the per pupil state, federal and local revenues, excluding revenues of local bond issues, for the current fiscal year. Also, as soon as practicable, upon determining the exact numbers regarding pupil count and funding, the Revenue and Fiscal Affairs Office, shall also post on their website the one hundred thirty-five day average daily membership for each school district and per pupil state, federal and local revenues, excluding revenues of local bond issues, based on the most recent audited financial statement as reported annually pursuant to Section 59-17-100. The Department of Education and the Education Oversight Committee shall provide in a prominent place on their internet websites a link to the information posted by the Revenue and Fiscal Affairs Office, including the projected numbers and the exact numbers.

For the current fiscal year, the pupil classification weightings are as follows:

(1) K-12 pupils or base students including homebound students 1.00

Students served in licensed residential treatment facilities (RTFs) for children and adolescents as defined under Section 44-7-130 of the 1976 Code shall receive a weighting of 2.10.

1	(2) Weights for students with disabilities as prescribed in Section 59-20-40(1)(c) Special Programs	
2	(3) Precareer and Career Technology	1.29
3	(4) Additional weights for personalized instruction:	
4	(A) Gifted and Talented	0.15
5	(B) Academic Assistance	0.15
6	(C) Limited English Proficiency	0.20
7	(D) Pupils in Poverty	0.20
8	(E) Dual Credit Enrollment	0.15

9 No local match is required for the additional weightings for personalized instruction in the current school year. Charter school per  
 10 pupil calculations for locally sponsored charters will continue to be calculated according to Section 59-40-140 of the 1976 Code.  
 11 Students may receive multiple weights for personalized instruction; however, within each weight, students should only be counted  
 12 once. These weights are defined below:

13 Students in poverty are students who qualify for Medicaid, SNAP, TANF, or are homeless, transient, or in foster care.

14 Gifted and talented students are students who are classified as academically or artistically gifted and talented or who are enrolled  
 15 in Advanced Placement (AP) and International Baccalaureate (IB) courses in high school. Districts shall set-aside twelve percent of  
 16 the funds for serving artistically gifted and talented students in grades three through twelve.

17 Students in need of academic assistance are students who do not meet state standards in mathematics, English language arts, or  
 18 both on state approved assessments in grades three through eight and high school assessments for grades nine through twelve. The  
 19 additional weight generates funds needed to provide additional instructional services to these students.

20 Students with limited English proficiency are students who require intensive English language instruction programs and whose  
 21 families require specialized parental involvement intervention.

22 Funds received by a school district pursuant to the dual credit weighting must be used to defray all possible costs of dual credit  
 23 courses for students. Students identified for dual credit enrollment must be identified in PowerSchool as taking a course that will  
 24 lead to both high school credit and post-secondary credit. Districts must utilize these funds to offset the cost of tuition, fees,  
 25 instructors, and instructional materials for qualifying courses with the local technical college or other institution of higher education.  
 26 Each school district shall report to the department the number of students participating in dual credit courses and specify the cost  
 27 borne by each entity. School districts must assist students in accessing Lottery Tuition Assistance when applicable.

28 ~~For the current school year, the Department of Education will continue to use counts from the prior school year to determine~~  
 29 ~~poverty funding for the add-on weighting. The Department of Education will continue to work with school districts to determine~~  
 30 ~~students eligible for the poverty add-on using the data elements used to determine USDA community eligibility to be used in future~~  
 31 ~~years.~~

32 ~~Further, the Department of Education may use school district student counts for personalized instruction as collected in the same~~  
 33 ~~manner as the prior fiscal year, PowerSchool or other available existing data sources as determined by the department to calculate~~  
 34 ~~the school district add-on weightings for the personalized instruction classifications and the determination of the school districts~~  
 35 ~~monetary entitlement. End of year adjustments shall be based on the one hundred thirty five day student average daily membership~~  
 36 ~~for all classifications. During the current fiscal year the department will update PowerSchool calculations, reports, screen~~

1 ~~development, documentation, and training to incorporate the new pupil classification weightings and to make final district allocation~~  
2 ~~adjustments by June 30, 2017.~~ The department must provide districts with technical assistance with regard to student count changes  
3 in PowerSchool.

4 **1.4.** (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for “Education Finance Act” shall be the maximum  
5 paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients.  
6 The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in  
7 the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and  
8 the State Fiscal Accountability Authority. After computing the EFA allocations for all districts, the department shall determine  
9 whether any districts’ minimum required local revenue exceeds the districts’ total EFA Foundation Program. When such instance is  
10 found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts’ EFA  
11 Foundation Program. The districts’ weighted pupil units are to be included in determination of the funds needed for implementation  
12 of the Education Finance Act statewide.

13 In the event that the formulas as devised by the Department of Education and approved by the State Board of Education and the  
14 State Fiscal Accountability Authority should provide for distribution to the various school districts totaling more than the amount  
15 appropriated for such purposes, subject to the provisions of this proviso, the Department of Education shall reduce each school district  
16 entitlement by an equal amount per weighted pupil so as to bring the total disbursements into conformity with the total funds  
17 appropriated for this purpose. If a reduction is required in the state’s contribution, the required local funding shall be reduced by the  
18 proportionate share of local funds per weighted pupil unit. The Department of Education shall continually monitor the distribution  
19 of funds under the provisions of the Education Finance Act and shall make periodic adjustments to disbursements to ensure the  
20 aggregate of such disbursements do not exceed the appropriated funds.

21 Local districts shall not be mandated or required to inflate the base number in their respective salary schedules by any percentage  
22 greater than the percentage by which the appropriated base student cost exceeds the appropriated base student cost of the prior fiscal  
23 year.

24 **1.5.** (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein  
25 for “Public School Employee Benefits” shall not be utilized to provide employer contributions for any portion of a school district  
26 employee’s salary that is federally funded.

27 State funds allocated for school district employer contributions must be allocated by the formula and must be used first by each  
28 district to cover the cost of fringe benefits for personnel required by the Defined Program, food service personnel and other personnel  
29 required by law. Once a district has expended all state allocated funds for fringe benefits, the district may utilize food service  
30 revenues to fund a proportionate share of fringe benefits costs for food service personnel.

31 The Department of Juvenile Justice and the Department of Corrections’ school districts must be allocated funds under the fringe  
32 benefits program in accordance with criteria established for all school districts.

33 **1.6.** (SDE: Employer Contributions/Obligations) In order to finalize each school district’s allocations of Employer Contributions  
34 funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district’s allocation  
35 in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In  
36 the event the Department of Education is notified that an educational subdivision has failed to remit proper payments to cover

1 Employee Fringe Benefit obligations, the Department of Education is directed to withhold the educational subdivision's state funds  
2 until such obligations are met.

3 **1.7.** (SDE: Governor's School for Science & Math) Any unexpended balance on June thirtieth of the prior fiscal year of funds  
4 appropriated to or generated by the Governor's School for Science and Mathematics may be carried forward and expended in the  
5 current fiscal year pursuant to the direction of the board of trustees of the school.

6 **1.8.** (SDE: Educational Responsibility/Foster Care) The responsibility for providing a free and appropriate public education  
7 program for all children including disabled students is vested in the public school district wherein a child of lawful school age resides  
8 in a foster home, group home, orphanage, or a state operated health care facility including a facility for treatment of mental illness  
9 or chemical dependence and habilitation centers for persons with intellectual disabilities or persons with related conditions located  
10 within the jurisdiction of the school district or alternative residences. The districts concerned may agree upon acceptable local cost  
11 reimbursement. If no agreement is reached, districts providing education shall receive from the district where the child last resided  
12 before placement in a facility an additional amount equivalent to the statewide average of the local base student cost multiplied by  
13 the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. If a child from out of state is residing  
14 in a facility owned and/or operated by a for profit entity, the district providing educational services shall be reimbursed by the for  
15 profit entity the local district's local support per weighted pupil above the statewide average base student cost multiplied by the  
16 appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act. This also applies to John de la Howe  
17 School who also has the authority to seek reimbursement in any situation that the school district has participation in the placement  
18 of the student. John de la Howe School shall be reimbursed the local district's local support per weighted pupil above the statewide  
19 average base student cost multiplied by the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance  
20 Act. Participation will be evidenced by a written agreement from the IEP team or 504 team, written referral, or the school district  
21 initiating the placement process. School districts providing the education shall notify the nonresident district in writing within  
22 forty-five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the  
23 proviso. The notice shall also contain the student's name, date of birth, and disabling condition if available. If appropriate financial  
24 arrangements cannot be effected between institutions of the state, including independent school districts under the authority of the  
25 Department of Disabilities and Special Needs, and school districts, institutions receiving educational appropriations shall pay the  
26 local base student cost multiplied by the appropriate pupil weighting. Children residing in institutions of state agencies shall be  
27 educated with nondisabled children in the public school districts if appropriate to their educational needs. Such institutions shall  
28 determine, on an individual basis, which children residing in the institution might be eligible to receive appropriate educational  
29 services in a public school setting. Once these children are identified, the institution shall convene an IEP meeting with officials of  
30 the public school district in which the institution is located. If it is determined by the committee that the least restrictive environment  
31 in which to implement the child's IEP is a public school setting, then the school district in which the institution is located must  
32 provide the educational services. However, that school district may enter into contractual agreements with any other school district  
33 having schools located within a forty-five mile radius of the institution. The cost for educating such children shall be allocated in  
34 the following manner: the school district where the child last resided before being placed in an institution shall pay to the school  
35 district providing the educational services an amount equivalent to the statewide average of the local base student cost multiplied by  
36 the appropriate pupil weighting as set forth in Section 59-20-40 of the Education Finance Act; the school district providing the

1 educational services shall be able to count the child for all funding sources, both state and federal. The institution and school district,  
2 through contractual agreements, will address the special education and related services to be provided to students. Should the school  
3 district wherein the institution is located determine that the child cannot be appropriately served in a public school setting, then the  
4 institution may request a due process hearing pursuant to the procedures provided for in the Individuals with Disabilities Education  
5 Act.

6 The agreed upon acceptable local cost reimbursement or the additional amount equivalent to the statewide average of the local  
7 base student cost multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to  
8 out-of-district students, shall be paid within sixty days of billing, provided the billing district has provided a copy of the invoice to  
9 both the Superintendent and the finance office of the district being invoiced. Should the district not pay within sixty days, the billing  
10 district can seek relief from the Department of Education. The department shall withhold EFA funding equal to the billing from the  
11 district refusing to pay and submit the funding (equal to the invoice) to the billing school district.

12 The agency placing a child in any situation that requires changing school districts, must work with the schools to assure that all  
13 required school records, including confidential records, are transferred from the sending to the receiving school within three working  
14 days. School records to be transferred should include grade transcripts, state birth certificate, certificate of immunization, social  
15 security card, attendance records, discipline records, IEP's, psychological reports (or notation in the school records that a  
16 psychological report on the child is available at the school district office) and any other records necessary for the appropriate  
17 placement of the child in the new school. School districts must release all records upon presentation of a court order or appropriate  
18 permission for confidential release. If evaluation or placement is pending, the receiving school district is responsible to secure  
19 information and to complete the placement. The receiving school will maintain appropriate confidentiality of all records received  
20 on a child. Upon discharge or release from the treatment facility, the agency placing the child in the receiving school must work  
21 with the school district where the student will reside after treatment to assure continuity of the student's education.

22 **1.9.** (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile  
23 detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this  
24 State. Students housed in local juvenile detention centers are to be included in the average daily membership count of students for  
25 that district and reimbursement by the Department of Education made accordingly.

26 **1.10.** (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry  
27 forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms,  
28 the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies,  
29 listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas  
30 and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring  
31 facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to  
32 school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement  
33 with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the  
34 lease or sale of virtual courses to other states; the collection of damage fees for instructional materials and the sale of unusable  
35 instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the  
36 receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support

1 equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material  
2 purchases and test rescoring fees. The Department of Education is authorized to expend revenue collected for lost and damaged  
3 instructional materials and the sale of unusable instructional materials for the purpose of contracting for the purchase and maintenance  
4 of a statewide textbook inventory management system, provided that schools' newly-adopted instructional materials needs are met  
5 first.

6 **1.11.** (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing  
7 body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct  
8 school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written  
9 order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate  
10 disbursement for the payment of correct and legal obligation of the school district.

11 **1.12.** (SDE: School Lunch Program Aid) ~~The amount appropriated herein for School Lunch Program Aid shall be divided among~~  
12 ~~the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch~~  
13 ~~Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor~~  
14 ~~shall be paid from this appropriation at the prevailing rate of mileage allowed by the State. These funds may be used as an aid in~~  
15 ~~improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the~~  
16 ~~absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county~~  
17 ~~on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.~~

18 **1.13.** (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds, lottery, and EIA funds shall  
19 not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this  
20 restriction.

21 **1.14.** (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not  
22 including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated  
23 in Part IA, Section 1, X, Aid to School Districts, for the Children's Case Resolution System or private placements for services  
24 provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to  
25 use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

26 **1.15.** (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on  
27 a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies  
28 in South Carolina.

29 School buses operated by school districts, other governmental agencies or head start agencies for the purpose of transporting  
30 students for school or school related activities shall not be subject to state motor fuel taxes. Further, that school districts, other  
31 governmental agencies or head start agencies may purchase this fuel, on a cost reimbursable-plus basis, from the Department of  
32 Education School Bus Maintenance Shops.

33 **1.16.** (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or  
34 self-insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are  
35 commonly covered by insurance.

1       **1.17.** (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the  
2 Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure  
3 (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school  
4 teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number  
5 of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching,  
6 percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the  
7 South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of  
8 new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful  
9 evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it  
10 can be disaggregated by ethnicity, gender, geographic location, etc.

11       **1.18.** (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, VII.B., local school districts shall request a  
12 criminal record history from the South Carolina Law Enforcement Division for past conviction of any crime before the initial  
13 employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a  
14 charitable organization for purposes of the fee charged for the criminal records search.

15       **1.19.** (SDE: School Bus Purchase) Any procurement of school buses with funds appropriated in this act or any other  
16 appropriation bill must meet specifications developed by the School Bus Specification Committee as established by the State  
17 Superintendent of Education. The School Bus Specifications Committee shall allow for input from all school bus chassis and body  
18 manufacturers. However, if it is safe, more economical, and in the public interest, the department may use the school bus  
19 specifications of another state in the procurement of school buses. If the department uses the specifications of another state, the  
20 department must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means  
21 Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical, and in  
22 the public interest, when compared to the specifications set forth by the School Bus Specifications Committee.

23       **1.20.** (SDE: Buses, Parts, and/or Fuel) Funds appropriated for other operating in program VII.B. - Bus Shops and funds  
24 appropriated in VII.C. - Buses may be used to purchase buses, fuel, parts, or other school bus related items. All funds appropriated  
25 for bus fuel, parts/supplies, maintenance, and bus purchases may be carried forward from the prior fiscal year and expended in the  
26 current fiscal year to support bus transportation services.

27       **1.21.** (SDE: Mitford Transportation Costs) Transportation costs for the transporting of students from the Mitford area of Fairfield  
28 County to schools in the Great Falls area of Chester County is not the responsibility of and shall not be borne by the Chester County  
29 School District. These transportation costs shall continue to be the responsibility of the State Department of Education.

30       **1.22.** (SDE: Status Offenders/John de la Howe) The funds appropriated for the Status Offender Program shall be distributed to  
31 John de la Howe School to expand residential programs to include court ordered status offenders. Components of such a program  
32 shall include collaboration between the home school district and the residential school and treatment or related services to the families  
33 of students in placement.

34       **1.23.** (SDE: Governor's School Leave Policy) The South Carolina Governor's School for the Arts and Humanities and the South  
35 Carolina Governor's School for Science and Mathematics are authorized to promulgate administrative policy governing annual and

1 sick leave relative to faculty and staff with the approval of their respective board of directors. This policy shall address their  
2 respective school calendars in order to comply with the instructional needs of students attending both special schools.

3 **1.24.** (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related  
4 expenses, school districts that have a website shall place a notice of a regularly scheduled school board meeting twenty-four hours  
5 in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall  
6 place the minutes of the board meeting on their website within ten days of the next regularly scheduled board meeting.

7 **1.25.** (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic  
8 Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with  
9 the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office, except the additional EFA  
10 allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of  
11 reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those  
12 funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

13 **1.26.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer  
14 and expend funds among appropriated state general fund revenues, Education Improvement Act funds, *and* Education Lottery Act  
15 funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to  
16 ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated  
17 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance  
18 of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for  
19 Career and Technology Education, nor *funds* required for debt service or bonded indebtedness. All school districts and special  
20 schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and  
21 service area level, except for four-year old programs and programs serving students with disabilities who have Individualized  
22 Education Programs.

23 In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's per  
24 pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and only transportation, food  
25 service, and safety within non-instruction pupil services. No portion of the seventy-five percent may be used for facilities, business  
26 services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall  
27 report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional  
28 support, and transportation, food service, and safety within non-instruction pupil services for the current school year ending June  
29 thirtieth. Salaries of on-site principals must be included in the calculation of the district's per pupil expenditures.

30 "In\$ite" means the financial analysis model for education programs utilized by the Department of Education.

31 School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low  
32 enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and  
33 memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing, and  
34 expanding virtual instruction.

35 School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.



1 Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil  
2 allocation due to them for each categorical program.

3 Quarterly throughout the current fiscal year, the chairman of each school district's board and the superintendent of each school  
4 district must certify where non-instructional or nonessential programs have been suspended and the specific flexibility actions taken.  
5 The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State  
6 Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of  
7 the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education  
8 and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting,  
9 and the certification must be conspicuously posted on the internet website maintained by the school district.

10 For the current fiscal year, Section 59-21-1030 is suspended. The foreign language program assessment, and the physical  
11 education assessment must be suspended. School districts and the Department of Education are granted permission to purchase the  
12 most economical type of bus fuel.

13 For the current fiscal year, savings generated from the suspension of the assessments enumerated above must be allocated to school  
14 districts based on weighted pupil units.

15 School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars,  
16 from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made  
17 available for public viewing and downloading. The register must include for each expenditure:

18 (i) the transaction amount;

19 (ii) the name of the payee; and

20 (iii) a statement providing a detailed description of the expenditure.

21 The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must  
22 not include any information that can be used to identify an individual employee. The register must be accompanied by a complete  
23 explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at  
24 least once a month.

25 Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards  
26 maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each  
27 statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the  
28 thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

29 The Comptroller General must establish and maintain a website to contain the information required by this section from a school  
30 district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate  
31 between the school districts and search for the information they are seeking.

32 ~~School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller  
33 General in a manner and at a time determined by the Comptroller General to be included on the internet website.~~

34 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title  
35 30, *of* the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of  
36 Education to exercise its authority to grant waivers under Regulation 43-261.

1       **1.27.** (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1,  
2 VII.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical  
3 examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to  
4 operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because  
5 of the required Hazmat endorsement to their CDL.

6       **1.28.** (SDE: Budget Reduction) In compensating for any reduction in funding or an operating deficit publically recognized by  
7 the School Board of Trustees, local districts must give priority to preserving classroom teachers and operations. Funding reductions  
8 should first be applied to administrative and non-classroom expenses before classroom expenses are affected.

9       **1.29.** (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June thirtieth of the  
10 prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward  
11 and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

12       **1.30.** (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South  
13 Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees  
14 as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in  
15 both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The  
16 respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall  
17 conspicuously publish a fee schedule on their respective websites.

18       **1.31.** (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts may  
19 institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be  
20 furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General  
21 Assembly has been utilized by the district and that the furlough is necessary to avoid a year-end deficit and a reduction in force. The  
22 certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit.  
23 The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded  
24 to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

25       The local school district board of trustees may implement a furlough of personnel once certification to the State Superintendent  
26 documents all funding flexibility has been exhausted and continued year-end deficits exist. Local school boards of trustees shall  
27 have the authority to authorize furloughs of these employees in the manner in which it sees fit. However, instructional personnel  
28 may be furloughed for up to five non-instructional days if not prohibited by an applicable employment contract with the district and  
29 provided district administrators are furloughed for twice the number of days. District administrators may only be furloughed on  
30 non-instructional days and may not be furloughed for a period exceeding ten days. District administrators shall be defined by the  
31 Department of Education using the Professional Certified Staff (PCS) System. For individuals not coded in PCS, the determination  
32 shall be made based upon whether the individual performs the functions outlined in position codes identified by the department as  
33 administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have  
34 their experience credit negatively impacted because of a furlough implementation.

35       During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except  
36 for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to,

1 contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making  
2 both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only  
3 employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on  
4 furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may  
5 allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within  
6 which the furlough occurs.

7 Each local school district must prominently post on the district's internet website and make available for public viewing and  
8 downloading the most recent version of the school district's policy manual and administrative rule manual.

9 This proviso shall not abrogate the terms of any contract between any school district and its employees.

10 **1.32.** (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district  
11 administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to  
12 the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance  
13 supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds  
14 distributed to the districts within the county.

15 **1.33.** (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School  
16 for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized  
17 to employ at its discretion noncertified classroom teachers teaching in the literary, visual and performing arts subject areas who are  
18 otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

19 **1.34.** (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or  
20 participates with or is a member of an association with policies that discriminate or afford different treatment of students based on  
21 race or national origin.

22 **1.35.** (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and  
23 object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and  
24 Human Services.

25 **1.36.** (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's  
26 individual cumulative grade point average for grades nine through twelve on the student's report card.

27 **1.37.** (SDE: Lost & Damaged Instructional Materials Fees) Fees for lost and damaged instructional materials for the prior school  
28 year are due no later than December first of the current school year when invoiced by the Department of Education. The department  
29 may withhold instructional materials funding from schools that have not paid their fees by the payment deadline.

30 **1.38.** (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the  
31 General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds  
32 appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the  
33 Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully  
34 fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to  
35 supplement the funds appropriated. By June 30<sup>th</sup> of the current fiscal year, if the department determines that the funds are not needed  
36 to supplement the Education Finance Act, the department may utilize the funds for bus purchase. The General Assembly may make

1 direct appropriations to this fund. All unexpended funds in the Education Finance Act Reserve Fund and any interest accrued by the  
2 fund must remain in the fund and may be carried forward into the current fiscal year.

3 **1.39.** (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from  
4 selling space for or the placement of advertisements on the outside or inside of state-owned school buses.

5 **1.40.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school  
6 age residing in licensed residential treatment facilities (RTFs) for children and adolescents identified on the State Qualified Providers  
7 list and meets the requirements of Section 44-7-130 of the 1976 Code, (students) shall be entitled to receive educational services  
8 from the school district in which the RTF is located (facility school district). The responsibility for providing appropriate educational  
9 programs and services for these students, both with and without disabilities, who are referred, authorized, or placed by the State is  
10 vested in the facility school districts. For purposes of this proviso, an authorization must be pursuant to a physician's determination  
11 of medical necessity. If clinically appropriate, the facility school district, the RTF, and the parent or guardian of a student referred  
12 or placed in a RTF may consider the appropriateness of providing the student's education program virtually through enrollment in  
13 either the facility district's virtual program, the South Carolina virtual school program provided through the Department of Education  
14 (Virtual SC), or a virtual charter school authorized by the South Carolina Public Charter School District, or a virtual charter school  
15 authorized by an approved institute of higher education. This decision should be made jointly with the best interest of the student  
16 and what is clinically indicated being considered.

17 A facility school district must provide the necessary educational programs and services directly to the student at the RTF's facility,  
18 provided that the RTF facility provides and maintains comparable adequate space for the educational programs and services  
19 consistent with all federal and state least restrictive environment requirements. Adequate space shall include appropriate electrical  
20 support and Internet accessibility. Unless the parent or legal guardian of the student seeks to continue the student's enrollment in  
21 the resident school district under a medical homebound instruction program and the district approves, if appropriate, then, under  
22 these circumstances, the facility school district shall enroll the student and assume full legal and financial responsibility for the  
23 educational services including enrolling the student, approving the student's entry into a medical homebound instructional program,  
24 if appropriate, and receiving and expending funds, unless the resident school district undertakes to carry out its educational  
25 responsibilities for the student directly. Alternatively, a facility school district may choose to provide the necessary educational  
26 programs and services by contracting with the RTF provided that the RTF agrees to provide educational services to the student at the  
27 RTF's facility. Under these circumstances, the facility school district must enroll the student and pay the RTF for the educational  
28 services provided. If the facility school district determines the educational program being offered by the RTF does not meet the  
29 educational standards outlines in the contract, the facility district shall be justified in terminating the contract.

30 The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting  
31 for Homebound pupils of 2.10, as set forth in Section 59-20-40 of the 1976 Code and any eligible categorical and federal funds.  
32 These funds may be retained by the facility school districts for the purpose of providing the educational programs and services  
33 directly to students referred or placed by the State or the facility school districts may use these funds to reimburse RTFs for the  
34 educational programs and services provided directly by the RTFs. A facility school district is entitled to reimbursement from a  
35 resident school district for the difference between (1) the reasonable costs expended for the educational services provided directly  
36 by the facility school district or the amount paid to the RTF and (2) the aggregate amount of federal and state funding received by

1 the facility school district for that student. However, the reimbursement rate may not exceed \$45 per student per day. Facility school  
2 districts providing the educational services shall notify the resident district in writing within forty-five calendar days that a student  
3 from the resident district is receiving educational services pursuant to the provisions of the proviso. Reimbursements shall be paid  
4 within sixty days of billing, provided the facility district has provided a copy of the invoice to both the District Superintendent and  
5 the finance office of the resident district being invoiced. Should the facility school district be unable to reach agreement with the  
6 resident school district regarding reasonable costs differences, the facility school district shall notify the Department of Education's  
7 Office of General Counsel. The Department of Education shall facilitate a resolution of the dispute between the facility school  
8 district and the resident school district within forty-five days of the notice of dispute. If the issue of reasonable cost differences  
9 should remain unresolved, a facility school district shall have the right to file a complaint in a Circuit Court. Should a resident school  
10 district fail to distribute the entitled funding to the facility school district by the one hundred thirty-five day count, the Department  
11 of Education is authorized to withhold the equivalent amount of EFA funds and transfer those funds to the facility school district.

12 RTF facilities on the State Qualified Provider List not located within the boundaries of the state shall be reimbursed at a rate that  
13 may not exceed \$45 per student per day for education services and school districts shall be eligible to receive a base student cost  
14 weighted funding of 2.10 provided that the student remains enrolled in the school district. Facilities providing the educational  
15 services shall notify the resident district in writing within forty-five calendar days that a student from the resident district is receiving  
16 educational services pursuant to the provisions of the proviso. Reimbursements shall be paid within sixty days of billing, provided  
17 the qualified facility has provided a copy of the invoice to both the District Superintendent and the finance office of the resident  
18 district being invoiced. Should the facility be unable to reach agreement with the resident school district regarding reasonable costs  
19 differences, the provider shall notify the Department of Education's Office of General Counsel. The Department of Education shall  
20 facilitate a resolution of the dispute between the facility and the resident school district within forty-five days of the notice of dispute.  
21 If the issue of reasonable cost differences should remain unresolved, a facility shall have the right to file a complaint in a Circuit  
22 Court. Additionally, qualified RTF providers' general education curriculum must be aligned to the South Carolina academic  
23 standards in the core content areas. All students with disabilities who are eligible for special education and related services under  
24 the Individuals with Disabilities Education Act (IDEA), as amended, and the State Board of Education (SBE) regulations, as  
25 amended, shall receive special education and related services in the least restrictive environment by appropriately certified personnel.  
26 Students in a qualified RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned through their  
27 educational efforts. The resident school district and the RTF should develop a memorandum of understanding to outline the  
28 responsibilities of the RTF in providing the educational services and responsibilities, if any, of the resident school district while the  
29 student is housed in the RTF.

30 If a child from out of state is placed in a RTF by an out-of-state school district or agency, the child's home state remains responsible  
31 for the educational services. The facility school district may choose to provide the educational program to the child and, upon  
32 choosing to do so, shall contract with the appropriate entity for payment of educational services provided to the child. Out-of-state  
33 students provided educational services by a facility school district shall not be eligible for funding through the Education Finance  
34 Act.

35 If a child is placed in a RTF by the child's parent or guardian and is not referred, authorized, or placed by the State, the facility  
36 school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident

1 school district for services through medical homebound procedures. A facility school district is responsible for compliance with all  
2 child find requirements under Section 504 of the Rehabilitation Act of 1973 and Individuals with Disabilities Act of 2004 (IDEA).

3 All students enrolled in the facility school districts shall have access to the facility school districts' general education curriculum,  
4 which will be tied to the South Carolina academic standards in the core content areas. All students with disabilities who are eligible  
5 for special education and related services under the Individuals with IDEA, as amended, and the State Board of Education (SBE)  
6 regulations, as amended, shall receive special education and related services in the least restrictive environment by appropriately  
7 certified personnel. Students in an RTF will at all times be eligible to receive the educational credits (e.g., Carnegie Units) earned  
8 through their educational efforts.

9 With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability  
10 measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The  
11 performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate  
12 line on the facility school district's report card and must not be included in the overall performance ratings of the facility school  
13 district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the current fiscal year, a  
14 facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery  
15 of an educational program at a RTF.

16 RTFs shall notify the facility school district as soon as practical, and before admission to the RTF if practical, of a student's  
17 admission to the RTF. RTFs, the facility school districts and the Department of Education shall use their best efforts to secure and/or  
18 exchange information, including documents and records necessary to provide appropriate educational services and/or related services  
19 as necessary to assist the facility school district in determining the resident school district. The Department of Education, in  
20 collaboration with state placing agencies, RTFs, facility school districts, and resident school districts, shall implement a system to  
21 follow the release of students from a RTF and re-enrollment in public, private, or special schools to ensure these students, when  
22 appropriate, are not recorded as dropouts.

23 **1.41.** (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among  
24 funding categories, including capital funds.

25 **1.42.** (SDE: High School Driver Education) For the current fiscal year, the requirement for high schools to provide a course in  
26 driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so.

27 **1.43.** (SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry forward  
28 and expend any General Fund balances for school bus transportation.

29 **1.44.** (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative  
30 costs, as defined by InSight in the prior fiscal year and post the report on the districts website. School districts shall provide an  
31 electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section  
32 59-17-100, of the 1976 Code. If a district fails to meet these requirements they must be notified in writing by the department that  
33 the district has sixty days to comply with the reporting requirement. If the district does not report within sixty days, the department  
34 is authorized to reduce the district's base student cost by one percent until such time as the requirement is met. Once in compliance,  
35 any funds withheld will be returned to the district.

1       **1.45.** (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the  
2 Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending  
3 either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that  
4 they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance.  
5 The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students  
6 whose parent(s) or guardian(s) are not legal residents of South Carolina.

7       **1.46.** (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not be  
8 used for any other purpose nor transferred to any other program. In addition, in the event the department is required to implement a  
9 budget reduction, SC Council on Holocaust funds may not be reduced.

10       **1.47.** (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts  
11 to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public  
12 schools. ~~Twenty-seven~~ Twenty-one percent of the funds shall be allocated to the districts based on average daily membership of  
13 grades K-5 from the preceding year for physical education teachers. *If a public school offers instruction in marching band based on*  
14 *the South Carolina Academic Standards for the Visual and Performing Arts that also incorporates the South Carolina Academic*  
15 *Standards for Physical Education, the funds appropriated pursuant to this proviso may be used on such instruction, and such*  
16 *instruction is equivalent to that of physical education instruction and may be accepted in lieu of physical education instruction for*  
17 *all purposes.* The remaining funds will be made available for school nurses and shall be distributed to the school districts on a per  
18 school basis. Schools that provide instruction in grades K-5 are eligible to apply for the school nurse funds.

19       **1.48.** (SDE: Impute Index Value) For the current fiscal year and for the purposes of calculating the index of taxpaying ability  
20 the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four  
21 percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A)  
22 and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the  
23 index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required  
24 pursuant to the EFA and other applicable provisions of law.

25       **1.49.** (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be  
26 supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.

27       **1.50.** (SDE: Health Education) (1) Each school district is required to ensure that all comprehensive health education,  
28 reproductive health education, and family life education conducted within the district, whether by school district employees or a  
29 private entity, must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59 and aligns to all standards  
30 and regulations adopted by the South Carolina State Board of Education. Each district shall publish on its website the title and  
31 publisher of all health education materials it has approved, adopted, and used in the classroom. If the department determines that a  
32 district is non-compliant with mandated health education upon review of the district's annual CHE Compliance Survey or if the  
33 district fails to publish the title and publisher of materials on its website, then the Department of Education shall withhold one percent  
34 of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until the department determines the district  
35 is in compliance.

1 (2) Any person may complain in a signed, notarized writing to the chairman of the governing board of a school district that matter  
2 not in compliance with the requirements of Chapter 32, Title 59 is being taught in the district. Upon receiving a notarized complaint,  
3 the chairman of the governing board must ensure that the complaint is immediately investigated and, if the complaint is determined  
4 to be founded, that immediate action is taken to correct the violation. If corrective action is not taken within 60 days of such a  
5 determination, or if no investigation is made within 60 days of the chairman's receipt of the notarized statement, then the complainant  
6 may within 60 calendar days, give written notice to the department. The notice must include the original notarized complaint. If,  
7 upon investigation, the department determines that the district has not taken appropriate immediate action to correct a violation, then  
8 the Department of Education shall withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and  
9 Fitness Act until the department determines the district is in compliance.

10 **1.51.** (SDE: Bus Lease/Purchase) The Department of Education is permitted to purchase or lease school buses in order to  
11 continue replacement of the state's school bus fleet.

12 **1.52.** (SDE: Lee County Bus Shop) From the funds appropriated in program VII.B. Bus Shops, in the current fiscal year, the  
13 department must fund the Lee County School District Bus Shop and the Kershaw County School District Bus Shop at the same level  
14 as they were funded in the previous fiscal year.

15 **1.53.** (SDE: School Enrollment Policy) For the current fiscal year, any school district with an open enrollment policy for all  
16 schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet  
17 school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under  
18 the same terms and conditions these students were previously permitted to attend the school.

19 **1.54.** (SDE: District Funding Flexibility) For the current fiscal year, districts must utilize funding flexibility provided herein to  
20 ensure that district approved safety precautions are in place at every school.

21 **1.55.** (SDE: Transportation Maintenance Facilities) For the current fiscal year, a school district wishing to include school bus  
22 maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the  
23 department releases the school district to include school bus maintenance in the private vendor contract.

24 **1.56.** (SDE: School District Activity Bus Advertisements) School Districts may sell commercial advertising space on the outside  
25 or inside of district owned activity buses. However, as defined and determined by the local school board, a school district may not  
26 sell such commercial advertising if the advertisement promotes a political candidate, ideology, or cause, a product that could be  
27 harmful to children, or a product that appeals to the prurient interest. Revenue generated from the sale of commercial advertising  
28 space shall be retained by the school district.

29 **1.57.** (SDE: School District Property) The requirements of Section 59-19-250 of the 1976 Code, as amended, which requires  
30 the consent of a governing board of a county in order for school trustees to sell or lease school property whenever they deem it  
31 expedient to do so are suspended for the current fiscal year.

32 **1.58.** (SDE: Full-Day 4K) Eligible students residing in a school district that met the poverty level for participation in the prior  
33 school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current school  
34 year. Public and private providers shall be funded for instructional costs at a rate of ~~\$4,422~~ \$4,510 per student enrolled. Eligible  
35 students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by  
36 the length of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a



1 reimbursement of ~~\$563~~ \$574 per eligible child transported. All providers who are reimbursed are required to retain records as  
2 required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and  
3 six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment funding, with providers enrolling  
4 seven or more such children eligible for funding not to exceed \$10,000. Providers receiving equipment funding are expected to  
5 participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure  
6 to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the  
7 Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data  
8 as requested by the Department of Education and the Office of First Steps. The Department of Education shall only provide funding  
9 for public school students whose complete records have been entered into PowerSchool ~~and end-of-year adjustments shall be based~~  
10 on the one hundred and thirty-five day student average daily membership.

11 Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations are  
12 accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. In the event the department,  
13 during the audit process determines that the annual allocations of the prior fiscal year are not accurate, the department must adjust  
14 the allocations for the current fiscal year to account for the audit findings. The department must provide the results of the annual  
15 audit findings to the General Assembly no later than December first. Likewise, in the event the Office of First Steps determines that  
16 the annual allocations of the prior fiscal year to private providers are not accurate, the Office of First Steps must adjust the allocations  
17 for the current fiscal year to account for the findings.

18 Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of  
19 the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by January  
20 fifteenth of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both  
21 public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the  
22 program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of  
23 Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of  
24 Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day  
25 four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and  
26 maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall  
27 use this data and all other collected and maintained data necessary to conduct a research based review of the program's  
28 implementation and assessment of student success in the early elementary grades.

29 **1.59.** (SDE: Summer Reading Camps) For the current fiscal year, funds appropriated for summer reading camps must be  
30 allocated as follows: (1) up to twenty percent to the Department of Education to provide bus transportation for students attending  
31 the camps; (2) \$700,000 allocated to the department to provide grants to support community partnerships whereby community  
32 organizations shall partner with local school districts to provide enrichment activities as part of after school programs or summer  
33 reading camps that utilize volunteers, mentors or tutors to provide instructional support to struggling readers in elementary schools  
34 that have a poverty index of forty percent or greater based on the poverty index utilized the prior fiscal year that was student eligibility  
35 for the free or reduced price lunch program and Medicaid. All mentors and tutors that are a part of these after school programs or  
36 summer reading camps must have passed a SLED criminal background check. Participant to volunteer or teacher ratio must conform

1 to that of the school district in which the program is located; and (3) the remainder on a per pupil allocation to each school district  
2 based on the number of students who substantially failed to demonstrate third-grade reading proficiency as indicated on the prior  
3 year's state assessment as defined by Section 59-155-120 (10) of the 1976 Code. Summer reading camps must be at least six weeks  
4 in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum  
5 hours of instruction in the summer. School transportation shall be provided. The camps must be taught by compensated teachers  
6 who have at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping students  
7 comprehend grade-level texts. The Department of Education shall assist districts that cannot find qualified teachers to work in the  
8 summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more districts  
9 to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions  
10 of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical personnel,  
11 and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading  
12 camps. In the current school year, any student in third grade who substantially fails to demonstrate third-grade reading proficiency  
13 by the end of the school year must be offered the opportunity to attend a summer reading camp at no cost to the parent or guardian.  
14 The purpose of the reading camp is to provide students who are significantly below third-grade reading proficiency with the  
15 opportunity to receive quality, intensive instructional services and support. A district may also include in the summer reading camps  
16 students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the summer reading  
17 camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below grade level in the  
18 first, second or third grade. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending  
19 texts appropriate for his grade level must make the final decision regarding the student's participation in the summer reading camp.

20 **1.60.** (SDE: Interscholastic Athletic Association Dues) (A) A public school district supported by state funds shall not use any  
21 funds or permit any school within the district to use any funds to join, affiliate with, pay dues or fees to, or in any way financially  
22 support any interscholastic athletic association, body, or entity unless:

23 (1) the constitution, rules, or policies of the association, body, or entity contain the following:

24 (a) a range of sanctions that may be applied to a student, coach, team, or program and that takes into account factors  
25 such as the seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other  
26 governing provisions of the association, body, or entity;

27 (b)(i) guarantees that private or charter schools are afforded the same rights and privileges that are enjoyed by all  
28 other members of the association, body, or entity. A private or charter school may not be expelled from or have its membership  
29 unreasonably withheld by the association, body, or entity or restricted in its ability to participate in interscholastic athletics including,  
30 but not limited to, state playoffs or championships based solely on its status as a private school or charter school. The association,  
31 body, or entity shall set reasonable standards for private or charter school admission. A private or charter school denied membership  
32 must be provided, in writing within five business days, the reason or reasons for rejection of its application for membership;

33 (b)(ii) guarantees that a South Carolina home school athletic team that is a member of a home school athletic association  
34 may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and  
35 invitational tournaments, based solely on its status as a home school athletic team; other rules or policies of the association, body, or  
36 entity would apply;

1           (3 ~~c~~)(~~a~~ 1) an appeals process in which appeals of the association, body, or entity are made to a disinterested third-body  
2 appellate panel which consists of seven members who serve four year terms, with one person appointed by the delegation of each  
3 congressional district;

4           (~~b~~ 2) a member of the panel serves until his successor is appointed and qualifies. A vacancy on the panel is filled in  
5 the manner of the original appointment;

6           (~~e~~ 3) members of the appellate panel do not concurrently serve as officers of the association, body, or entity and may  
7 not have served as a member of the executive committee within the last three years. Principals and superintendents are able to appeal  
8 a ruling of the association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought  
9 against a decision of the association, body, or entity;

10           (4 d) a procedure in place for emergency appeals to be held and decided upon in an expedited manner if the normal  
11 appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include practices;

12           (5 e) provisions, implemented within one year after the effective date of this section, that require the composition of the  
13 executive committee of the association, body, or entity be geographically representative of this State; and

14           (2) the association evaluates the prospect of adding the sport of bass fishing as a sanctioned interscholastic athletic program  
15 beginning in the 2019-2020 school year, and provides a report of its findings to the General Assembly before January 1, 2019.

16           (B) In the event an association, body, or entity fails to include one of the items listed in this proviso, public school districts and  
17 schools must end their affiliation with the association, body, or entity prior to the beginning of the upcoming school year and are  
18 prohibited from paying dues or fees to the association, body, or entity.

19           **1.61.** (SDE: Governor's Schools Informational Access to Students) For the current fiscal year, school districts must permit both  
20 the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics to collaborate with  
21 individual schools and their staff to share information with students and families about the educational opportunities offered at the  
22 respective Governor's Schools, through avenues including school visits, informational presentations, and posters. By June thirtieth,  
23 of the current fiscal year, the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics  
24 must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the  
25 results of these Informational Access efforts. Further, the two Governor's Schools will work with districts, the Department of  
26 Education and School Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included  
27 in the School Report Card of those students' resident schools and districts.

28           **1.62.** (SDE: Reading/Literacy Coaches) (A) Funds appropriated for Reading/Literacy Coaches must be allocated to school  
29 districts by the Department of Education as follows: (~~4~~) for each primary and elementary school ~~in which twenty percent or more~~  
30 ~~of the students scored below "meets expectations" on the reading sub score of the English language arts test in the most recent year~~  
31 ~~for which such data are available~~, the school district shall be eligible to receive ~~the lesser of~~ up to \$62,730 or the actual cost of salary  
32 and benefits for a full-time reading/literacy coach; ~~and~~

33           ~~(2) for each elementary school in which fewer than twenty percent of the students scored as referenced in (A)(1), the school~~  
34 ~~district shall be eligible to receive the lesser of up to \$31,365 or fifty percent of the actual cost of salary and benefits for a full-time~~  
35 ~~reading/literacy coach. A school district must provide local support for state funds provided under this paragraph. School districts~~  
36 ~~may use existing local funds currently used for reading assistance as the local support.~~

1 (B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures,  
2 except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with local funds. A  
3 district may, ~~however, assign a reading/literacy coach to a primary school rather than to the elementary school to improve the early~~  
4 ~~literacy skills of young children~~ only utilize these funds to employ reading/literacy coaches that may serve in a primary, elementary,  
5 or middle school or a combination of these schools depending on the area of highest need in the district. The school district must  
6 align the placement of coaches to the district reading plan that is approved by the department.

7 (C) Funds appropriated for reading/literacy Coaches are intended to be used to provide primary, elementary, and/or middle  
8 schools with reading/literacy coaches who shall serve according to the provisions in Chapter 155 of Title 59.

9 (D) Schools and districts accepting funding to support a coaching position agree that the reading/literacy coach must not serve as  
10 an administrator. If the department finds that school districts are using these funds for administrative costs as defined in statute they  
11 must withhold that districts remaining balance of funds allocated pursuant to this proviso.

12 (E) The Department of Education must publish guidelines that define the minimum qualifications for a reading/literacy coach.  
13 These guidelines must deem any licensed/certified teacher qualified if, at a minimum, he or she:

14 (1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; or

15 (2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or

16 (3) holds a master's degree or higher in reading or a closely-related field.

17 Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that  
18 the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A), including  
19 the local support requirements, shall also apply to any allocations made pursuant to this paragraph.

20 (F) The Department of Education must develop procedures for monitoring the use of funds appropriated for reading/literacy  
21 coaches to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of Education  
22 may receive up to \$100,000 of the funds appropriated for reading/literacy coaches in order to implement this program, provided that  
23 this allocation does not exceed the department's actual costs.

24 (G) Prior to the close of the current fiscal year, any unspent or unallocated funds for reading/literacy coaches shall be used to fund  
25 Summer Reading Camps.

26 (H) The Department of Education shall require:

27 (1) any school district receiving funding under subsection (A) to identify the name and qualifications of the supported  
28 reading/literacy coach; as well as the school in which the coach is assigned; and

29 (2) any school district receiving funding under subsection ( G) to account for the specific amounts and uses of such funds.

30 (I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on the  
31 hiring of and assignment of reading/literacy coaches by school. The department shall also report the amount of funds that will be  
32 used for Summer Reading Camps.

33 (J) Funds appropriated for reading/literacy coaches shall be retained and carried forward to be used for the same purpose but  
34 may not be flexed.

1 ~~(K) For Fiscal Year 2017-18, if increased funding for reading/literacy coaches is not sufficient to provide additional~~  
2 ~~reading/literacy coaches at each elementary school then the funding must be targeted to the areas of greatest need based on the~~  
3 ~~number of students substantially failing to demonstrate reading proficiency as indicated on the prior year's state assessment.~~

4 **1.63.** (SDE: Sports Participation) Any school receiving state funds shall be required to allow a military dependent student who  
5 has transferred from their resident school district to another school district to participate in a sport that was not offered in the resident  
6 school district. Should a school fail to comply with this provision, the Department of Education shall withhold one percent of their  
7 total state allocation.

8 **1.64.** (SDE: Graduation Rates) For the current fiscal year, if a high school has a graduation rate below sixty percent, using  
9 appropriated funds a local school district board of trustees must provide a report detailing a plan to increase the graduation rate in  
10 accordance with the provisions of the Education Accountability Act to the State Board of Education.

11 **1.65.** (SDE: South Carolina Community Block Grants for Education Pilot Program) There is created the South Carolina  
12 Community Block Grants for Education Pilot Program. The purpose of this matching grants program is to encourage and sustain  
13 partnerships between a community and its local public school district or school for the implementation of innovative, state-of-the-art  
14 education initiatives and models to improve student learning. The initiatives and models funded by the grant must be well designed,  
15 based on strong evidence of effectiveness, and have a history of improved student performance.

16 The General Assembly finds that the success offered by these initiatives and programs is assured best when vigorous community  
17 support is integral to their development and implementation. It is the intent of this proviso to encourage public school and district  
18 communities and their entrepreneurial public educators to undertake state-of-the-art initiatives to improve student learning and to  
19 share the results of these efforts with the state's public education community.

20 As used in this proviso:

21 (1) "Community" is defined as a group of parents, educators, and individuals from business, faith groups, elected officials,  
22 nonprofit organizations and others who support the public school district or school in its efforts to provide an outstanding education  
23 for each child. As applied to the schools impacted within a district or an individual school, "community" includes the school faculty  
24 and the School Improvement Council as established in Section 59-20-60 of the 1976 Code;

25 (2) "Poverty" is defined as the percent of students eligible in the prior year for the free and reduced price lunch program and  
26 or Medicaid; and

27 (3) "Achievement" is as established by the Education Oversight Committee for the report card ratings developed pursuant to  
28 Section 59-18-900 of the 1976 Code.

29 The Executive Director of the Education Oversight Committee is directed to appoint an independent grants committee to develop  
30 the process for awarding the grants including the application procedure, selection process, and matching grant formula. The grants  
31 committee will be comprised of seven members, three members selected from the education community and four members from the  
32 business community. The chairman of the committee will be selected by the committee members at the first meeting of the grants  
33 committee. The grants committee will review and select the recipients of the Community Block Grants for Education.

34 The criteria for awarding the grants must include, but are not limited to:

35 (1) the establishment and continuation of a robust community advisory committee to leverage funding, expertise, and other  
36 resources to assist the district or school throughout the implementation of the initiatives funded through the Block Grant Program;

- 1 (2) a demonstrated ability to meet the match throughout the granting period;
- 2 (3) a demonstrated ability to implement the initiative or model as set forth in the application; and
- 3 (4) an explanation of the manner in which the initiative supports the district's or school's strategic plan required by Section
- 4 59-18-1310 of the 1976 Code.

5 In addition, the district or school, with input from the community advisory committee, must include:

- 6 (1) a comprehensive plan to examine delivery implementation and measure impact of the model;
- 7 (2) a report on implementation problems and successes and impact of the innovation or model; and
- 8 (3) evidence of support for the project from the school district administration when an individual school applies for a grant.

9 The match required from a grant recipient is based on the poverty of the district or school. No matching amount will exceed more  
10 than seventy percent of the grant request or be less than ten percent of the request. The required match may be met by funds or by  
11 in-kind donations, such as technology, to be further defined by the grants committee. Public school districts and schools that have  
12 high poverty and low achievement will receive priority for grants when their applications are judged to meet the criteria established  
13 for the grant program.

14 However, no grant may exceed \$250,000 annually unless the grants committee finds that exceptional circumstances warrant  
15 exceeding this amount.

16 The Education Oversight Committee will review the grantee reports and examine the implementation of the initiatives and models  
17 to understand the delivery of services and any contextual factors. The Oversight Committee will then highlight the accomplishments  
18 and common challenges of the initiatives and models funded by the Community Block Grant for Education Pilot Program to share  
19 the lessons learned with the state's public education community.

20 For the current fiscal year, funds allocated to the Community Block Grant for Education Pilot Program must be used to provide or  
21 expand high-quality early childhood programs for a targeted population of at-risk four-year-olds. High-quality is defined as meeting  
22 the minimum program requirements of the Child Early Reading Development and Education Program and providing measurable  
23 high-quality child-teacher interactions, curricula and instruction. Priority will be given to applications that involve public-private  
24 partnerships between school districts, schools, Head Start, and private child care providers who collaborate to: (1) provide  
25 high-quality programs to four-year-olds to maximize the return on investment; (2) assist in making the transition to kindergarten; (3)  
26 improve the early literacy, social and emotional, and numeracy readiness of children; and (4) engage families in improving their  
27 children's readiness.

28 **1.66.** (SDE: Board of Education Funds) ~~For the current fiscal year, the Department of Education is authorized to carry forward~~  
29 ~~funds appropriated in Part IA, Section 1, II. Board of Education. The State Board of Education is permitted to utilize these funds for~~  
30 ~~innovative educational opportunities and projects. The Board of Education shall develop guidelines and publish them on the board's~~  
31 ~~website.~~

32 **1.67.** (SDE: Proceeds from Sale of Bus Shop & Boat) For the current fiscal year the Department of Education is authorized to  
33 retain any funds received from the sale of any bus shop and the sale of the state-owned boat and expend those funds for transportation  
34 purposes.

35 **1.68.** (SDE: First Steps 4K Technology) During the current fiscal year, South Carolina Office of First Steps to School Readiness  
36 is authorized to expend up to \$75,000 from the four-year-old kindergarten carry forward funds to purchase electronic devices for the

1 administration of required school readiness assessments to children enrolled in the full-day 4K program in private centers in the  
2 current fiscal year. The State Office of First Steps may purchase one device, which would be the property of the Office of First  
3 Steps, for every ten centers serving children in the program. The regional coordinators who provide support to the centers shall  
4 coordinate the usage of the devices among the centers. First Steps shall provide a report documenting its technology and materials  
5 expenditures to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee no later  
6 than January 15, ~~2018~~ 2019.

7 **1.69.** (SDE: Teacher Salary Schedule Structure) ~~The Department of Education shall convene stakeholders to include: Palmetto~~  
8 ~~State Teachers Association, South Carolina School Business Officials, South Carolina Association of School Administrators, South~~  
9 ~~Carolina School Boards Association, South Carolina Education Association, the Education Oversight Committee and CERRA to~~  
10 ~~examine and make recommendations regarding changes to the statewide minimum state teacher salary schedule to include extending~~  
11 ~~the steps on the state teacher salary schedule; an examination of the beginning teacher salary; and an examination of each district's~~  
12 ~~salary schedule structure. The department shall also include information from each of the districts who are, or were, the original trial~~  
13 ~~and plaintiff school districts in the Abbeville law suit regarding salary needs in those districts. Recommendations shall be provided~~  
14 ~~on the modification of the teacher salary schedule structure and the potential fiscal impact on implementing the modification~~  
15 ~~recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee~~  
16 ~~by October 1, 2017.~~

17 **1.70.** (SDE: Teacher Certification Exemption) For the current fiscal year, a teacher certified at the secondary level may teach  
18 such courses in grades seven through twelve without having the add on certification for middle-level education. *A teacher certified*  
19 *in elementary education may teach first grade without having the add on certification in early childhood education.* Districts must  
20 report to the Department of Education and the Center for Educator Recruitment Retention and Advancement on the teachers and  
21 courses that utilize this exemption.

22 **1.71.** (SDE: Digital Instructional Materials) The Department of Education shall continue to create an instructional materials list  
23 composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption  
24 process. The department shall continue to work with the publishers of instructional materials to ensure that districts ~~who wish to~~  
25 ~~receive both the digital version and~~ have options for print/digital student materials to include class sets of textbooks ~~may be awarded~~  
26 ~~that option~~ print student editions, if needed. Funds appropriated for the purchase of ~~textbooks and other~~ instructional materials  
27 (print/digital) may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted  
28 ~~textbook~~ instructional materials inventory, purchasing new kits or those adopted as supplemental from the central textbook  
29 depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the  
30 state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs,  
31 equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional  
32 Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the  
33 department, school districts, and special schools. These funds are not subject to flexibility. ~~Digital Instructional Materials shall~~  
34 ~~include the digital equivalent of materials and devices.~~

1       **1.72.** (SDE: CDEPP Unexpended Funds) For Fiscal Year ~~2017-18~~ 2018-19, the Office of First Steps to School Readiness is  
2 permitted to retain the first \$1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance  
3 the quality of the full-day 4K program in private centers and provide professional development opportunities.

4       By August first, the Office of First Steps is directed to allocate any additional unexpended CDEPP funds from the prior fiscal year  
5 and any CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the following purpose:  
6 Education Oversight Committee - \$1,000,000 for the South Carolina Community Block Grants for Education Pilot Program.

7       If carry forward funds are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata  
8 basis.

9       If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall  
10 be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, and funded an  
11 extended program per this proviso in the prior school year, then to districts to increase the length of the program to a maximum of  
12 eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. By August 1, the Department  
13 of Education and the Office of First Steps must collect the documented waiting lists and determine a process to notify parents of  
14 eligible students of available slots in all approved providers. If a district chooses to fund summer enrollment the program funding  
15 shall conform to the funding in this act for full year programs, however shall be reduced on a pro rata basis to conform with the  
16 length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks  
17 in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this Act and end  
18 of year adjustments shall be based on the one hundred and thirty five day student average daily membership or later student average  
19 daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide  
20 professional development and quality evaluations of programs.

21       No later than April first, the Department of Education and the Office of First Steps must report to the Chairman of the Senate  
22 Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the  
23 following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program  
24 and the amount of money used for professional development as well as the types of professional development offered and the number  
25 of participants.

26       **1.73.** (SDE: Technology Technical Assistance) Of the funds appropriated for the K-12 Technology Initiative, the department is  
27 authorized to withhold up to \$350,000 in order to provide technology technical assistance to school districts.

28       **1.74.** RESERVED

29       **1.75.** (SDE: Teacher Employment) ~~Of the funds appropriated in the current fiscal year, a local school district superintendent or~~  
30 ~~his designee shall provide a teacher with notice of dismissal and an opportunity for a hearing before the local board or its designee.~~  
31 ~~Further, a local board may authorize a South Carolina licensed, practicing attorney to serve as hearing officer to conduct a hearing~~  
32 ~~on the matter and make a report of its recommendations to the board within forty five days after receipt of notice of appeal. A~~  
33 ~~hearing officer may not be a member of the board or an employee of the district. If the board designates a hearing officer, the report~~  
34 ~~and recommendations of the hearing officer must be presented to the board in the form of a written order. In considering the report~~  
35 ~~and recommendations, the board must have available to it the exhibits presented at the hearing and shall permit limited oral argument~~  
36 ~~on behalf of the district and the teacher, allowing each party thirty minutes to present its respective argument. The board shall uphold~~



1 ~~the decision of the hearing officer if the evidence shows good and just cause for dismissal. The board shall issue a decision affirming~~  
2 ~~or withdrawing the notice of suspension or dismissal within thirty days. The decision of the board may be appealed to the circuit~~  
3 ~~court.~~

4 **1.76.** (SDE: Technology Technical Assistance) Funds appropriated to the Department of Education for Technology Technical  
5 Assistance must be used to increase the capacity of districts who are or were the original trial and plaintiff school districts in the  
6 Abbeville law suit. Funds shall be used by the department to assist school districts in procuring appropriate technology to include  
7 devices and infrastructure in accordance with the recommendations made by the technology review team to begin to build capacity  
8 to offer online testing and increased access. For the current fiscal year districts and individual public charter schools may request a  
9 waiver from the State Board of Education from the requirement that all assessments be administered online.

10 **1.77.** (SDE-Highly Qualified Teachers) ~~For the current fiscal year teacher certification requirements for highly qualified~~  
11 ~~educators aligned to No Child Left Behind shall be suspended. The department shall report to the General Assembly by February~~  
12 ~~first on the updated Federal requirements under the Every Student Succeeds Act.~~

13 **1.78.** (SDE: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to assist  
14 districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical assistance  
15 to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried forward  
16 and expended for the same purposes.

17 **1.79.** (SDE: Reporting and Procurement) Any state agency or school for which the department acts as the fiscal agent must  
18 comply with any state and federal reporting requirements using agency procedures and shall follow all state procurement laws.

19 **1.80.** (SDE: Abbeville Equity Districts Comprehensive Report) ~~Of the appropriations and provision of services that are provided~~  
20 ~~in the current fiscal year's budget for the Abbeville equity districts, the Department of Education must submit a comprehensive report~~  
21 ~~to the General Assembly by January 1, 2018 on the current allocation of funds to the Abbeville equity districts and the provision of~~  
22 ~~services to these districts.~~

23 **1.81.** (SDE: Computer Science Curriculum) Of the funds appropriated to the department for computer science, the department  
24 shall develop grade appropriate computer science standards that include computational thinking and computer coding for grades  
25 9-12. Experts and officials from higher education, business and industry must be included in the development of the standards. The  
26 department shall support K-12 academic and computer science teachers in designing interdisciplinary units and instructional practices  
27 that engage students in applying literacy, math, and computational thinking skills to solve problems.

28 **1.82.** (SDE: Military Child Care Centers) During the current fiscal year, South Carolina First Steps to School Readiness may  
29 extend four-year-old kindergarten provider eligibility to military child care settings regulated by the United States Department of  
30 Defense. State funds appropriated for use in military child care facilities must be used to expand service to CERDEP eligible children  
31 residing in school districts approved for participation during the prior fiscal year and may not be used to supplant any existing federal  
32 child care investment.

33 **1.83.** (SDE: First Steps 4K Underserved Communities) Using funds appropriated for the Child Early Reading and Development  
34 Education Program, South Carolina First Steps shall develop a pilot program to expand four-year-old kindergarten enrollment within  
35 underserved communities eligible for participation during the most recent fiscal year. Newly created and/or newly approved private  
36 providers proposing to expand service to ten or more CERDEP eligible children in communities enrolling less than 80% of eligible

1 students in a public, private, or Head Start setting during the prior fiscal year, may apply for up to \$30,000 in one-time supplemental,  
2 needs-based incentives designed to address building renovations, documented as necessary to bring proposed classrooms into  
3 compliance with licensing regulations, materials and staffing costs, and/or other obstacles currently preventing their participation in  
4 the First Steps 4K program. The First Steps Board of Trustees shall develop and approve an application process that incorporates  
5 formal review and fiscal safeguards designed to ensure grant funds are used solely to address documented barriers to program  
6 participation. Providers receiving this one-time supplement are expected to participate in the program and provide high-quality,  
7 center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider  
8 to return a portion of the supplemental allocation at a level determined by the Office of First Steps to School Readiness. First Steps  
9 shall submit a report detailing its process, expenditures and expanded enrollment to the Chairman of the House Ways and Means  
10 Committee and the Chairman of the Senate Finance Committee by March 15, ~~2018~~ 2019.

11 **1.84.** (SDE: School Leadership) Of the funds appropriated to and retained by the department for Professional Development,  
12 \$400,000 shall be used to contract with a non-profit leadership development provider. The provider must specialize in multiple  
13 assessments, executive coaching, and leadership development that provides the skills necessary for a progressive career path in school  
14 leadership.

15 **1.85.** (SDE: Carry Forward) ~~For Fiscal Year 2017-18, the Department of Education is directed to allocate \$30,000,000 from~~  
16 ~~carry forward or unencumbered or unobligated cash balances for the School Districts Capital Improvement Plan as set forth in this~~  
17 ~~Act.~~

18 **1.86.** (SDE: Poverty) ~~Students eligible in the prior fiscal year to receive funding according to the Poverty weighting in the~~  
19 ~~Education Finance Act pursuant to proviso 1.3 in this Act, are eligible to receive those funds for Fiscal Year 2017-18.~~

20 **1.87.** (SDE: School Bus Drivers) For the current fiscal year, a driver candidate must possess a valid driver's license that meets  
21 the requirements in State and Federal law to operate commercial and non-commercial school bus type vehicles with no restrictions  
22 other than vision correction to qualify for issuance. Driver candidates must complete all Department of Education classroom and  
23 behind-the-wheel training requirements, including a medical examination and drug/alcohol testing, for initial certification as well as  
24 all Department of Education required in-service training annually to qualify for continued certification.

25 **1.88.** (SDE: Committee on Educator Retention and Recruitment) ~~From the funds appropriated to the department, the~~  
26 ~~Superintendent of Education shall initiate convening a study committee to address the issue of educator recruitment and retention to~~  
27 ~~include identification of the causes of teacher shortages and the state's educational system's future demand for teachers. The study~~  
28 ~~committee shall develop recommendations for the General Assembly to consider which include, but are not limited to, building~~  
29 ~~teacher recruitment; alternative certification; financial incentives; induction and mentorship; evaluation and feedback; and teacher~~  
30 ~~leadership.~~

31 ~~The study committee shall be comprised of the following members:~~

- 32 ~~(1) Chairman of the Senate Education Committee, or his designee;~~
- 33 ~~(2) Chairman of the House Education and Public Works Committee, or his designee;~~
- 34 ~~(3) Chairman of the Senate Labor, Commerce, and Industry Committee, or his designee;~~
- 35 ~~(4) Chairman of the House Labor, Commerce, and Industry Committee, or his designee;~~
- 36 ~~(5) Senate Majority Leader, or his designee;~~

- 1       ~~(6) Senate Minority Leader, or his designee;~~  
 2       ~~(7) House Majority Leader, or his designee;~~  
 3       ~~(8) House Minority Leader, or his designee;~~  
 4       ~~(9) Chairman of the State Board of Education, or his designee;~~  
 5       ~~(10) Chairman of the Palmetto State Teacher's Association, or his designee;~~  
 6       ~~(11) Chairman of the South Carolina Education Association, or his designee;~~  
 7       ~~(12) Superintendent from a small School District appointed by the Governor;~~  
 8       ~~(13) Superintendent from a medium School District appointed by the Governor;~~  
 9       ~~(14) Superintendent from a large School District appointed by the Governor;~~

10       Of the three Superintendents appointed by the Governor, at least one Superintendent must come from a plaintiff or trial district in  
 11 the Abbeville lawsuit;

- 12       ~~(15) Executive Director of CERRA;~~  
 13       ~~(16) Chairman of the Education Oversight Committee;~~  
 14       ~~(17) Two Deans of Colleges of Education appointed by the Governor; and~~  
 15       ~~(18) State Superintendent of Education who shall serve as Chairman of the Committee.~~

16       Staff support shall be provided by the Department of Education, with assistance from the staffs of the Senate Education Committee  
 17 and the House Education and Public Works Committee, upon request. Findings and recommendations shall be submitted to the  
 18 General Assembly by December 31, 2017.

19       **1.89.** (SDE: Big Brothers Big Sisters) ~~Of the funds retained and carried forward by the Department of Education pursuant to~~  
 20 ~~proviso 117.23, the Department of Education is directed to transfer up to \$50,000 to Big Brothers Big Sisters of the Upstate and up~~  
 21 ~~to \$50,000 to Big Brothers Big Sisters—Carolina Youth Development Center to support educational activities.~~

22       **1.90.** (SDE: Hold Harmless) ~~The Department of Education shall distribute the \$5,000,000 appropriated from Proviso 8.2 for the~~  
 23 ~~Education Foundation Supplement distributed to public school districts which would in the current fiscal year recognize a loss in~~  
 24 ~~State financial requirement of the foundation program by utilizing an Index of Taxpaying Ability which imputes the assessed value~~  
 25 ~~of owner occupied property compared to the State financial requirement of the same Index of Taxpaying Ability without an imputed~~  
 26 ~~value of owner occupied homes. Funds in the Education Foundation Supplement must be distributed to the school districts receiving~~  
 27 ~~a loss, in an amount equal to the amount of the loss. If funds are not sufficient to cover the full loss, funds will be reduced on a pro~~  
 28 ~~rata basis. This supplement shall not require a local financial requirement.~~

29       **1.91.** (SDE: Save the Children) ~~Of the funds retained and carried forward by the Department of Education pursuant to proviso~~  
 30 ~~117.23, the Department of Education is directed to transfer up to \$200,000 to Save the Children.~~

31       **1.92.** (SDE: *Special Education Minutes Requirement*) **DELETED**

32       **1.93.** (SDE: *Retired Educators Employment*) For the current fiscal year school districts may notify retired educators of  
 33 employment in writing on or before May 1. School districts employing retired educators pursuant to Section 9-1-1795 of the 1976  
 34 Code shall provide documentation of compliance with the earnings limitation exemptions to the department. The department shall  
 35 verify the compliance and send the verification to the Public Employee Benefit Authority.

1 1.94. (SDE: Education Rate Program) For purposes of the federal Educational Rate Program, a child attending a state-funded  
2 four-year-old kindergarten program must be considered an elementary school student.

3 1.95. (SDE: Teacher Salaries Increase) DELETED

4 1.96. (SDE: School District Residence Boundaries) For Fiscal Year 2018-19, and with funds appropriated to local school  
5 districts, upon the reestablishment of a portion or entirety of a county boundary that impacts the school district boundary, persons  
6 residing on the impacted property may continue to enroll their children who previously attended a school in the district until such  
7 time as the child graduates from high school, as long as the child continuously resides at the same property until graduation. For  
8 the purposes of this section, "children" includes those children who are residing with their legal guardians whose property is  
9 impacted by a county boundary reestablishment in conflict with the immediate prior school district boundary. This proviso only  
10 applies to those persons residing on the impacted property and their children who reside with them. Once those persons move from  
11 the property or no longer have children living in the residence who are attending or will attend schools in the South Carolina K-12  
12 public education system, this proviso no longer applies to that property. A district may draw down State and Federal funding for  
13 students enrolled under this section. A local board of trustees of the district where a student is being allowed to attend pursuant to  
14 this proviso shall determine the charge a student must pay for any bonded indebtedness that student would normally pay if they  
15 resided in the district. This proviso does not require the former resident of a county to continue enrollment of their children in school  
16 in the county in which their property was located before the reestablishment.

17 1.97. (SDE: Charter School Sponsors) DELETED

18 1.98. (SDE: Crisis Intervention Team) For the current fiscal year, the Department of Education and the State Law Enforcement  
19 Division must develop, within existing staff, a Crisis Intervention Team to coordinate, collect and compile Crisis Intervention &  
20 School Safety Plans from each school district with their input. The report shall include recommendations for the General Assembly  
21 to consider which may include, but are not limited to, physical building security, bullet proof and access controlled doors, RFID  
22 chip in student identification cards, mental health services, school resource officers, and other school safety measures. Total costs  
23 associated with each recommendation shall be included in the report. If additional funding is required to implement the  
24 recommendations, the Department of Education and the State Law Enforcement Division are directed to include the recommended  
25 funds in their Fiscal Year 2019-20 agency budget plan. The report shall be submitted to the Chairman of the Senate Finance  
26 Committee, the Chairman of the House Ways and Means Committee and the Governor by December 31, 2018.

27 1.99. (SDE: School Holidays) DELETED

28 1.100. (SDE: Alternative Certification Programs) For the current fiscal year, the department, through the State Board of  
29 Education, is authorized to award a conditional teaching certificate to a person who is enrolled in an approved alternative  
30 certification program provided the person has earned a bachelor's degree from a regionally accredited college or university with a  
31 major, or major equivalence, as defined by the State Board of Education in guidelines developed by the department in a certification  
32 area for which the board has determined there exists a critical shortage of teachers, and the person has passed the appropriate  
33 teaching examination.

34 1.101. (SDE: Student Meals) For the current fiscal year, all school districts shall identify students in poverty according to the  
35 provisions in Proviso 1.3 of this Act and increase access to free school meals for these students. School districts shall use the criteria  
36 to directly certify pupils eligible for free and reduced-price school meals to the extent permitted under federal law. The local board

1 of trustees of a district in which all schools are eligible to receive the free federal reimbursement rate for all reimbursable school  
2 breakfasts and lunches served, pursuant to the Community Eligibility Provision in Section 1759(a) of Title 42 of the United States  
3 Code, shall adopt a resolution indicating participation. If a district is unable to participate, the local board of trustees shall adopt  
4 a resolution stating that it is unable to participate in CEP and demonstrate the reasons why. The resolution shall be published on a  
5 public meeting agenda concurrently with the proposed district budget as an action item and shall be approved by a majority of the  
6 board. School districts shall ensure that the parents or guardians of students eligible for free and reduced lunch receive the necessary  
7 applications and instructions and upon request are provided with assistance in completing the paperwork. Schools shall not  
8 publically identify a student who is unable to pay for a meal for any reason. Communications from the district regarding any meal  
9 debt owed must only be directed to the parent or guardian and may be sent home through the student.

10 **1.102.** (SDE: Consolidate Administrative Functions) For the current fiscal, any school district that has an average daily  
11 membership of less than 1,500 students, has been designated in Fiscal Watch, Caution or Emergency status, has a risk assessment  
12 of medium or high, has a school or is a district with an accreditation status of probation or denied, or has a school or schools that  
13 have been in improvement status for three years may be directed by the State Superintendent of Education to consolidate  
14 administrative and professional services with one or more school districts. Administrative and professional services may include,  
15 but are not limited to: finance, human resources, procurement, administrative functions, transportation and collaboration on  
16 increasing instructional offerings. The Superintendent shall notify a district in writing that they meet one or more of the criteria.  
17 The district then has thirty business days from receipt of the notification to deliver a plan to the Superintendent for her approval.  
18 The Superintendent must either approve or amend the plan within fifteen days. Plans must be implemented within sixty days of  
19 approval. If a district fails to submit a plan, the Superintendent shall direct the consolidation of services with another school district  
20 and if the district fails to comply, the department shall withhold one percent of the district's EFA allocation until the district does  
21 comply. At that time, the EFA payments shall resume and any EFA funds withheld shall be allocated to the district.

22 **1.103.** (SDE: Extracurricular Activities Participation) In the current fiscal year and with the funds appropriated to the  
23 Department of Education, any school receiving state funds shall allow private school students to participate in interscholastic  
24 activities offered by the school if it is located in the attendance zone in which the student resides, if the private school he attends  
25 does not offer a similar activity, and if he satisfies the requirements that charter school students must satisfy to participate in such  
26 interscholastic activities as provided in Section 59-63-100. For purposes of this proviso, 'private school', means a school established  
27 by an entity other than the State or a subdivision of the State, supported primarily by private or nonpublic funds, and operated by  
28 private individuals operating in their private capacity and not by people who are publicly elected or appointed to operate the school.

## SECTION 1A - H630 - DEPARTMENT OF EDUCATION-EIA

31  
32 **1A.1.** (SDE-EIA: Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations  
33 to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation.  
34 However, transfers are authorized from allocations to school districts or special line items with projected year-end excess  
35 appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

1       **1A.2.** (SDE-EIA: African-American History) Funds provided for the development of the African-American History curricula  
2 may be carried forward into the current fiscal year. Funds that are currently a salary line item will be reallocated for the development  
3 of instructional materials and programs and the implementation of professional learning opportunities that promote African American  
4 history and culture. For ~~Fiscal Year 2017-18~~ *the current fiscal year*, not less than seventy percent of the funds carried forwarded  
5 must be expended for the development of additional instructional materials by nonprofit organizations, school districts, or institutions  
6 of higher education selected through a grant process by the Department of Education.

7       **1A.3.** (SDE-EIA: Teacher Evaluations, Implementation/Education Oversight) The Department of Education is directed to  
8 oversee the evaluation of teachers at the School for the Deaf and the Blind, the John de la Howe School and the Department of  
9 Juvenile Justice under the ADEPT model.

10       **1A.4.** (SDE-EIA: Teacher Salaries/State Agencies) Each state agency which does not contain a school district but has  
11 instructional personnel shall receive an appropriation as recommended by the Education Oversight Committee and funded by the  
12 General Assembly for teacher salaries based on the following formula: Each state agency shall receive such funds as are necessary  
13 to adjust the pay of all instructional personnel to the appropriate salary provided by the salary schedules of the school district in  
14 which the agency is located. Instructional personnel may include all positions which would be eligible for EIA supplements in a  
15 public school district, and may at the discretion of the state agency, be defined to cover curriculum development specialists,  
16 educational testing psychologists, psychological and guidance counselors, and principals. The twelve-month agricultural teachers  
17 located at Clemson University are to be included in this allocation of funds for base salary increases. The South Carolina Governor's  
18 School for the Arts and Humanities and the South Carolina Governor's School for Science and Mathematics are authorized to increase  
19 the salaries of instructional personnel by an amount equal to the percentage increase given by the School District in which they are  
20 both located.

21       Teacher salary increases recommended by the Education Oversight Committee and funded in this Act shall be incorporated into  
22 each agency's EIA appropriation contained in Section 1, VIII.E.

23       **1A.5.** (SDE-EIA: Work-Based Learning) Of the funds appropriated in Part IA, Section 1, VIII.A.1. for the Work-Based Learning  
24 Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual  
25 methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance  
26 counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be supported by  
27 technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists. Each Regional  
28 Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career development activities  
29 throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology Education,  
30 State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and  
31 Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of  
32 Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and  
33 Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year,  
34 unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

35       **1A.6.** (SDE-EIA: CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, VIII.E. for the Teacher  
36 Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the Center

1 for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which  
2 at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers,  
3 and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including the Teacher  
4 Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute eight percent  
5 to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall  
6 not be used for the operation of their established general education programs. Working with districts with an absolute rating of  
7 At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA  
8 will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the  
9 recruitment and retention efforts in these schools. The South Carolina Commission on Higher Education shall ensure that all funds  
10 are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three  
11 teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina  
12 State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it  
13 currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment  
14 projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees,  
15 the State Board of Education and the Education Oversight Committee by October first annually, in a format agreed upon by the  
16 Education Oversight Committee and the Department of Education.

17 With the funds appropriated CERRA shall also appoint and maintain the South Carolina Teacher Loan Advisory Committee. The  
18 Committee shall be composed of one member representing each of the following: (1) Commission on Higher Education; (2) State  
19 Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment, Retention, and Advancement; (5)  
20 South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid Administrators; (7) a local school  
21 district human resources officer; (8) a public higher education institution with an approved teacher education program; and (9) a  
22 private higher education institution with an approved teacher education program. The members of the committee representing the  
23 public and private higher education institutions shall rotate among those institutions and shall serve a two-year term on the committee.  
24 The committee must be staffed by CERRA, and shall meet at least twice annually. The committee's responsibilities are limited to:  
25 (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating  
26 for program participants; and (4) recommending policies and procedures necessary to promote and maintain the program.

27 **1A.7.** (SDE-EIA: Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, South  
28 Carolina Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, VIII.E. Other State  
29 Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities  
30 referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology,  
31 which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office  
32 is authorized to make necessary appropriation reductions in Part IA, Section 1, VIII.E. to prevent duplicate appropriations. If the  
33 Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start  
34 of the fiscal year do not agree with the appropriations in Part IA, Section 1, VIII.E. Other State Agencies and Entities, the "other  
35 funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the  
36 Comptroller General's Office to conform to the appropriations in Part IA, Section 1, VIII.E. Other State Agencies and Entities.

1 Further, the Department of Revenue is directed to provide the full appropriation of the funding appropriated in Part IA, Section 1,  
2 VIII.C.2. Teacher Supplies to the Department of Education at the start of the fiscal year from available revenue. The Department of  
3 Revenue is also directed to provide the first quarter appropriation of the funding appropriated in Part IA, Section 1, VIII.G. Charter  
4 School District to the Department of Education at the start of the fiscal year from available revenue.

5 **1A.8.** (SDE-EIA: Arts in Education) Funds appropriated in Part IA, Section 1, VIII.A.1. Arts Curricula shall be used to support  
6 innovative practices in arts education curriculum, instruction, and assessment in the visual and performing arts including dance,  
7 music, theatre, and visual arts which incorporates strengths from the Arts in Education sites. They shall also be used to support the  
8 advancement of the implementation of the visual and performing arts academic standards. These funds shall be distributed to schools  
9 and school districts under a competitive grants program; however, up to thirty-three percent of the total amount of the grant fund  
10 shall be made available as “Aid to Other Agencies” to facilitate the funding of professional development arts institutes that have been  
11 approved by the State Department of Education for South Carolina arts teachers, appropriate classroom teachers, and administrators.  
12 Arts Curricular Grants funds may be retained and carried forward into the current fiscal year to be expended in accordance with the  
13 proposed award.

14 **1A.9.** (SDE-EIA: Teacher Supplies) All certified and non-certified public school teachers identified in PCS, certified special  
15 school classroom teachers, certified media specialists, certified guidance counselors, and career specialists who are employed by a  
16 school district, a charter school, or lead teachers employed in a publically funded full day 4K classroom approved by the South  
17 Carolina First Steps to School Readiness, as of November thirtieth of the current fiscal year, based on the public decision of the  
18 school board may receive reimbursement of two hundred seventy-five dollars each school year to offset expenses incurred by them  
19 for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July fifteenth based on the last  
20 reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds for this program, any deviation  
21 in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as practicable thereafter. Based on the  
22 public decision of the school district and no later than May fifteenth annually, the district shall notify all individuals entitled to receive  
23 these funds the manner in which the funds will be dispersed. Funds may be disbursed to each teacher via check in a manner separate  
24 and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current  
25 contract year, or the funds may be disbursed to each teacher via direct deposit as long as the funds are handled in a manner to be  
26 separate and distinct from their payroll check. This reimbursement shall not be considered by the state as taxable income. Special  
27 schools include the Governor’s School for Science and Math, the Governor’s School for the Arts and Humanities, Wil Lou Gray  
28 Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and  
29 Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply  
30 money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required  
31 before December thirty-first. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the  
32 district they have received the allocation for purchase of teaching supplies and/or materials and that they have purchased or will  
33 purchase supplies and/or materials during the fiscal year for the amount of the allocation. Districts shall not have an audit exception  
34 related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify  
35 any teacher from whom receipts have not been submitted between November twenty-fifth and December sixth that receipts must be  
36 submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement.



1 Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the reimbursement  
2 allowed by this provision, may claim a refundable income tax credit on the teacher's ~~2017~~ 2018 tax return, provided that the return  
3 or any amended return claiming the credit is filed prior to the end of the fiscal year. The credit is equal to two hundred seventy-five  
4 dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures eligible for a  
5 credit are made after December thirty-first, the teacher may include the expenditures on his initial return or may file an amended  
6 ~~2017~~ 2018 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The Department of Revenue  
7 may require whatever proof it deems necessary to implement the credit provided by this part of this provision. Any person receiving  
8 the reimbursement provided by this proviso is ineligible to take the income tax credit allowed by this proviso.

9 **1A.10.** (SDE-EIA: Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district  
10 Teacher of the Year shall receive an award of \$1,000. In addition, the State Teacher of the Year shall receive an award of \$25,000,  
11 and each of the four Honor Roll Teachers of the Year will receive an award of \$10,000. To be eligible, districts must participate in  
12 the State Teacher of the Year Program sponsored by the State Department of Education. These awards shall not be subject to South  
13 Carolina income taxes.

14 **1A.11.** (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference  
15 registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided  
16 by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any  
17 unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes.

18 **1A.12.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for  
19 technical assistance must be used to provide intensive support to schools and districts with an absolute rating of below average or  
20 at-risk on the most recent annual school report card or with the lowest percentages of students meeting state standards on state  
21 assessments on the most recent state assessments or with the lowest high school graduation rates. The department will create a  
22 system of tiers of technical assistance for low-performing schools and districts that will receive technical assistance. The tiers will  
23 be determined by factors that include, but are not limited to, length of time performance of the school or district has been at-risk/below  
24 average, annual achievement ratings, annual growth ratings, school or district accreditation, and/or financial risk status. The tiers of  
25 technical assistance may include a per student allocation, placement of a principal mentor, transformation coach, instructional leader,  
26 replacement of the principal, reconstitution of a school, and declaration of a state of emergency. Low-performing schools and districts  
27 shall be placed within the tiered technical assistance framework not later than December fifteenth.

28 Low-performing schools shall receive a diagnostic review through the department. In addition, newly identified low-performing  
29 schools and districts must be reviewed by an External Review Team in the year of designation, and every third year thereafter. These  
30 reports shall be made available on the Department of Education's website; any information pertaining to personnel matters or  
31 containing personally identifiable information shall be exempted. Based upon the recommendations in the review(s), low-performing  
32 schools and districts must develop and submit to the Department of Education an updated school renewal or district strategic plan  
33 outlining goals for improvements. The amended plans must address specific strategies designed to increase student achievement and  
34 must include measures to evaluate the success of implementation of the plan.

35 With the funds appropriated to the Department of Education, and any experts placed in the school or district for technical assistance  
36 services, the department will assist low-performing schools and districts in designing and implementing the strategies and

1 measurement identified in the amended plans and in brokering for technical assistance personnel as stipulated in the plan. In addition,  
2 the department must monitor student academic achievement and progress on implementation and report their findings to the  
3 Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate  
4 Education Committee, the Chairman of the House Education and Public Works Committee, the local legislative delegation, and the  
5 Governor in the fall following the school or district designation as low-performing. If the school or school district does not provide  
6 the evaluation information necessary to determine effective use, the principal of the school or the district superintendent may be  
7 subject to receiving a public reprimand by the State Board of Education if it is determined that those individuals are responsible for  
8 the failure to provide the required information.

9 Funds must be used by the department for implementation and delivery of technical assistance services. Using previous report  
10 card data and monitoring reports on the status of implementation of the school renewal plan, the department shall identify priority  
11 schools. Funds appropriated for technical assistance shall be used by the department to work with those schools identified as  
12 low-performing and to support priority schools under the tiered system. These funds shall not be transferred to any other funding  
13 category by the school district without prior approval of the State Superintendent of Education and funds are not subject to agency  
14 flexibility provisions.

15 Reconstitution means the redesign or reorganization of the school, which may include the declaration that all positions in the  
16 school are considered vacant. Certified staff currently employed in priority schools must undergo an evaluation in the spring  
17 following the school's identification as a priority school and must meet determined goals to be rehired and continue their employment  
18 at that school. Educators who were employed at a school that is being reconstituted prior to July 2009, and to whom the employment  
19 and dismissal laws apply will not lose their rights in the reconstitution. If they are not rehired or are not assigned to another school  
20 in the school district they have the opportunity for a hearing. However, employment and dismissal laws shall not apply to educators  
21 who are employed in the district and assigned to the priority schools July 1, 2009, in the event of a reconstitution of the school in  
22 which the educator is employed. Those rights are only suspended in the event of a reconstitution of the entire school staff.  
23 Additionally, the rights and requirements of the employment and dismissal laws do not apply to educators who on July 1, 2009, were  
24 on an induction or annual contract, that subsequently were offered continuing contract status after the effective date of this proviso,  
25 and are employed at a school that is subject to reconstitution under this proviso.

26 The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve  
27 satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the  
28 principal the school board of trustees, and the district superintendent. The decision to reconstitute a school shall be made by April  
29 first, at which time notice shall be given to all employees of the school. The department, in consultation with the district  
30 superintendent, shall develop a staffing plan and a budget for each reconstituted school.

31 The State Superintendent of Education may declare a state of emergency in a district if the accreditation status is probation or  
32 denied, if a majority of the schools fail to show improvement, if the district is classified as being in "high risk" status financially, or  
33 for financial mismanagement resulting in a deficit. The State Superintendent of Education may declare a state of emergency in a  
34 school if the accreditation status is probation or denied, or if the school fails to show improvement. Upon declaration of a state of  
35 emergency, the Superintendent may take over management of the school or district. Management of the school or district may

1 include direct management, consolidation with another district, charter management, public/private management, or contracting with  
2 an educational management organization or another school district.

3 **1A.13.** (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic  
4 Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance  
5 with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office. No allocation for teacher  
6 salaries shall be reduced as a result of this proviso.

7 **1A.14.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may  
8 transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, *and* Education Lottery  
9 Act funds, and funds received from the Children’s Education Endowment Fund for school facilities and fixed equipment assistance,  
10 to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated  
11 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance  
12 of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for  
13 Career and Technology Education, nor *funds* required for debt service or bonded indebtedness. All school districts and special  
14 schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and  
15 service area level, except for four-year old programs and programs serving students with disabilities who have Individualized  
16 Education Programs.

17 In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district’s per  
18 pupil expenditures must be utilized within the In\$ite categories of instruction, instructional support, and only transportation, food  
19 service, and safety within non-instruction pupil services. No portion of the seventy-five percent may be used for facilities, business  
20 services, debt service, capital outlay, program management, and leadership services, as defined by In\$ite. The school district shall  
21 report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional  
22 support, and transportation, food service, and safety within non-instruction pupil services for the current school year ending June  
23 thirtieth. Salaries of on-site principals must be included in the calculation of the district’s per pupil expenditures.

24 “In\$ite” means the financial analysis model for education programs utilized by the Department of Education.

25 School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low  
26 enrollment courses, reducing travel for the staff and the school district’s board, reducing and limiting activities requiring dues and  
27 memberships, reducing transportation costs for extracurricular and academic competitions, restructuring administrative staffing, and  
28 expanding virtual instruction.

29 School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

30 Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil  
31 allocation due to them for each categorical program.

32 Quarterly throughout the current fiscal year, the chairman of each school district’s board and the superintendent of each school  
33 district must certify where non-instructional or nonessential programs have been suspended and the specific flexibility actions taken.  
34 The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State  
35 Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of  
36 the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education

1 and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting,  
2 and the certification must be conspicuously posted on the internet website maintained by the school district.

3 For the current fiscal year, Section 59-21-1030 is suspended. The foreign language program assessment, and the physical  
4 education assessment must be suspended. School districts and the Department of Education are granted permission to purchase the  
5 most economical type of bus fuel.

6 For the current fiscal year, savings generated from the suspension of the assessments enumerated above must be allocated to school  
7 districts based on weighted pupil units.

8 School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars,  
9 from whatever source, for whatever purpose. The register must be prominently posted on the district's internet website and made  
10 available for public viewing and downloading. The register must include for each expenditure:

- 11 (i) the transaction amount;
- 12 (ii) the name of the payee; and
- 13 (iii) a statement providing a detailed description of the expenditure.

14 The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must  
15 not include any information that can be used to identify an individual employee. The register must be accompanied by a complete  
16 explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at  
17 least once a month.

18 Each school district must also maintain on its internet website a copy of each monthly statement for all of the credit cards  
19 maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each  
20 statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the  
21 thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

22 The Comptroller General must establish and maintain a website to contain the information required by this section from a school  
23 district that does not maintain its own internet website. The internet website must be organized so that the public can differentiate  
24 between the school districts and search for the information they are seeking.

25 ~~School districts that do not maintain an internet website must transmit all information required by this provision to the Comptroller  
26 General in a manner and at a time determined by the Comptroller General to be included on the internet website.~~

27 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title  
28 30, of the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of  
29 Education to exercise its authority to grant waivers under Regulation 43-261.

30 **1A.15.** (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary  
31 supplement and related employer contribution funds into the current fiscal year to be used for the same purpose. Any unexpended  
32 funds in teacher salary supplement may be used to fund shortfalls in the associated employer contribution funding in the current  
33 fiscal year.

34 **1A.16.** (SDE-EIA: Dropout Prevention and High Schools That Work Programs) The Department of Education must report  
35 annually by December first, to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and  
36 Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works

1 Committee on the effectiveness of dropout prevention programs funded by the Education and Economic Development Act and on  
2 the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in  
3 post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior  
4 fiscal year into the current fiscal that were allocated for High Schools That Work.

5 **1A.17.** (SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state  
6 assessment funds for the same purpose. Reimbursements shall resume in the current fiscal year for PSAT, pre-ACT or 10th grade  
7 Aspire.

8 **1A.18.** (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined  
9 by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report  
10 Card.

11 **1A.19.** (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, VIII.A.3 for instructional materials  
12 for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the  
13 development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum  
14 instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA,  
15 Section 1, VIII.A.3 shall include a weight of up to ten percent of the overall criteria to the development of higher order thinking skills  
16 and critical thinking.

17 **1A.20.** (SDE-EIA: Certified Staff Technology Proficiency) To ensure the effective and efficient use of the funding provided by  
18 the General Assembly in Part IA, Section 1 VIII.D. for school technology in the classroom and internet access, the State Department  
19 of Education shall approve district technology plans that specifically address and incorporate certified staff technology competency  
20 standards and local school districts must require certified staff to demonstrate proficiency in these standards as part of each certified  
21 staff's Professional Development plan. District adopted technology proficiency standards and plans should be, at minimum, aligned  
22 to the International Society for Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the  
23 requirement is a prerequisite to expenditure of a district's technology funds.

24 **1A.21.** (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the  
25 Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the  
26 administration of the Education Oversight Committee. For the current fiscal year the Education Oversight Committee may carry forward  
27 prior year EIA South Carolina Community Block Grants for Education Pilot Program funds not awarded by the grant committee. These  
28 funds must be used for an independent common evaluation of each awarded grant to ensure high quality programs that maximize a  
29 return on the state's investment.

30 **1A.22.** (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the  
31 provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid. Children with developmental  
32 delays documented through state approved screening assessments or children with medically documented disabilities who do not  
33 already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than  
34 available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a  
35 percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

1       **1A.23.** (SDE-EIA: Reading) ~~Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts~~  
2 ~~shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early~~  
3 ~~reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the~~  
4 ~~appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic~~  
5 ~~awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom~~  
6 ~~instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation~~  
7 ~~should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.~~

8       Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district  
9 in proportion to the statewide weighted pupil units using the one hundred thirty five day count of the prior school year. ~~Fifty percent~~  
10 ~~of the funds shall be *The funds* allocated to the Department of Education *for reading shall be used* to provide districts with~~  
11 ~~research-based strategies and professional development and to work directly with schools and districts to assist with implementation~~  
12 ~~of research-based strategies. When providing professional development the department and school districts must use the most cost~~  
13 ~~effective method and when able utilize ETV to provide such services throughout the state. The department shall provide for an~~  
14 ~~evaluation to review first year implementation activities and to establish measurements for monitoring impact on student~~  
15 ~~achievement.~~

16       **1A.24.** (SDE-EIA: Students at Risk of School Failure) For the current fiscal year, EIA funds appropriated for students at academic  
17 risk of school failure, must be allocated to school districts based upon two factors: (1) poverty as determined for the poverty add on  
18 weight in Proviso 1.3; and (2) the number of weighted pupil units identified in the prior fiscal year as in need of academic assistance.  
19 At least eighty-five percent of the funds must be spent on instruction and instructional support for students at academic risk.  
20 Instructional support may include family literacy and parenting programs to students at-risk for school failure and their families.  
21 Students at academic risk are defined as students who are not meeting grade level standards in English language arts/reading and  
22 mathematics as evidenced by summative state assessments in grades three through eight or students who are not on track to meeting  
23 or exceeding English language arts/reading or mathematics standards by the end of third grade. Public charter schools, the Palmetto  
24 Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the  
25 number of students at academic risk of school failure served.

26       **1A.25.** (SDE-EIA: Professional Development) Of the funds appropriated for professional development, up to \$500,000 may be  
27 expended for gifted and talented teacher endorsement and certification activities. ~~The balance of EIA funds appropriated for~~  
28 ~~professional development must be allocated to districts based on the number of weighted pupil units in each school district in~~  
29 ~~proportion to the statewide weighted pupil units using the one hundred thirty five day count of the prior school year. The funds must~~  
30 ~~be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten~~  
31 ~~through twelve across all content areas, including teaching in and through the arts and using technology in classroom instruction.~~  
32 ~~No more than twenty five percent of the funds appropriated for professional development may be retained by the Department of~~  
33 ~~Education for the administration and provision of other professional development services which must be targeted to districts who~~  
34 ~~are or were the original trial and plaintiff school districts in the Abbeville law suit to increase the capacity of educators and leaders~~  
35 ~~in those districts. The Department of Education must provide professional development on assessing student mastery of the content~~  
36 ~~standards through classroom, formative and end-of-year assessments. The Department of Education also must post on the agency's~~

1 website the South Carolina Professional Development Standards and provide training through telecommunication methods to school  
2 leadership on the professional development standards. The department is authorized to carry forward and expend professional  
3 development funds for the same purpose.

4 **1A.26.** (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Funds  
5 appropriated and/or authorized for assessment shall be used for assessments to determine eligibility of students for gifted and talented  
6 programs and for the cost of Advanced Placement and International Baccalaureate exams.

7 **1A.27.** (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated  
8 to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in programs  
9 leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate (~~WorkKeys~~).  
10 The remaining funds will be allocated to districts based on a formula which includes factors such as target populations without a  
11 high school credential, program enrollment the previous school year, number of students making an educational gain the previous  
12 school year, and performance factors such as number of high school credentials and career readiness certificates awarded the previous  
13 school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort. Each school district  
14 must collect information from both the student and the school including why the student has enrolled in Adult Education and whether  
15 or not the student is pursuing a GED or Diploma. The school district must then provide a quarterly report to the Department of  
16 Education and must include the unique student identifier. The department, in turn, will provide summary information to the House  
17 Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate  
18 Education Committee on the information. Up to a maximum of \$300,000, of funds may be used to establish an initiative by which  
19 qualifying adult education students may qualify for a free high school equivalency test. The Department of Education shall establish  
20 guidelines for the free high school equivalency testing initiative.

21 **1A.28.** (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section VIII.E. for Clemson  
22 Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers  
23 and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.  
24 If sufficient funds remain, Clemson University PSA may utilize such funds for a Regional Coordinator.

25 **1A.29.** (SDE-EIA: Full-Day 4K) Eligible students residing in a school district that met the poverty level for participation in the  
26 prior school year are eligible to participate in the South Carolina Early Reading Development and Education Program in the current  
27 school year. Public and private providers shall be funded for instructional costs at a rate of ~~\$4,422~~ \$4,510 per student enrolled.  
28 Eligible students enrolling during the school year or withdrawing during the school year shall be funded on a pro rata basis determined  
29 by the length of their enrollment. Private providers transporting eligible children to and from school shall also be eligible for a  
30 reimbursement of ~~\$563~~ \$574 per eligible child transported. All providers who are reimbursed are required to retain records as  
31 required by their fiscal agent. New providers participating for the first time in the current fiscal year and enrolling between one and  
32 six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment funding, with providers enrolling  
33 seven or more such children eligible for funding not to exceed \$10,000. Providers receiving equipment funding are expected to  
34 participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure  
35 to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the  
36 Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data

1 as requested by the Department of Education and the Office of First Steps. The Department of Education shall only provide funding  
2 for public school students whose complete records have been entered into PowerSchool ~~and end-of-year adjustments shall be based~~  
3 on the one hundred and thirty-five day student average daily membership.

4 Annually, the Department of Education is directed to audit the annual allocations to public providers to ensure that allocations are  
5 accurate and aligned to the appropriate pro rata per student allocation, materials, and equipment funding. In the event the department,  
6 during the audit process determines that the annual allocations of the prior fiscal year are not accurate, the department must adjust  
7 the allocations for the current fiscal year to account for the audit findings. The department must provide the results of the annual  
8 audit findings to the General Assembly no later than December first. Likewise, in the event the Office of First Steps determines that  
9 the annual allocations of the prior fiscal year to private providers are not accurate, the Office of First Steps must adjust the allocations  
10 for the current fiscal year to account for the findings.

11 Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of  
12 the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by January  
13 fifteenth of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both  
14 public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the  
15 program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of  
16 Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of  
17 Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day  
18 four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and  
19 maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall  
20 use this data and all other collected and maintained data necessary to conduct a research based review of the program's  
21 implementation and assessment of student success in the early elementary grades.

22 **1A.30.** (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, VIII.A.1. Aid to Districts shall be dispersed *monthly*  
23 to school districts ~~based on the number of weighted pupil units.~~ *For the current fiscal year, the remaining funds shall be allocated*  
24 *to districts based on the number of weighted pupil units.*

25 **1A.31.** (SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, \$350,000 must be allocated to the  
26 Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for  
27 individuals who teach children of poverty through weekend college, nontraditional or alternative learning opportunities.

28 **1A.32.** (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section VIII.A.1. Aid to Districts  
29 according to Proviso 1A.30 for the current fiscal year, in the event that there is a reduction in state funds or there are changes in the  
30 Education Finance Act/Base Student Cost formula that would reduce support for children with disabilities, the Department of  
31 Education is authorized to utilize funds appropriated in Section VIII.A.1. Aid to Districts to ensure maintenance of state financial  
32 support for the IDEA. The department shall distribute these funds using the current fiscal year one hundred thirty-five day Average  
33 Daily Membership or as directed by the United States Department of Education. Funds provided for these purposes may not be  
34 transferred to any other purpose and therefore are not subject to flexibility. For continued compliance with the federal maintenance  
35 of state financial support requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held  
36 harmless to budget cuts or reductions to the extent those funds are required to meet federal maintenance of state financial support



1 requirements under the IDEA. In the event cuts to funds that are needed to maintain fiscal effort are necessary, when administering  
2 such cuts, the department must not reduce funding to support children with disabilities who qualify for services under the IDEA in a  
3 manner that is disproportionate to the level of overall reduction to state programs in general. By December first, the department  
4 must submit an estimate of the IDEA maintenance of state financial support requirement to the General Assembly and the Governor.  
5 For the current fiscal year, the department may carry forward IDEA Maintenance of Effort funds from the prior fiscal year and  
6 expend them in the same manner.

7 **1A.33.** (SDE-EIA: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000  
8 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally  
9 certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical  
10 contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July thirty-first  
11 and the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career  
12 clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course  
13 exams graded by a national industry organization and must include in their grant request how the money will be spent in direct  
14 support of students to further industry-specific career technology education; a description and history of their program nationally and  
15 within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August  
16 first of the following year, the organization must submit to the department a report detailing how the grant increased  
17 industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry  
18 organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student  
19 competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading  
20 to national competitions; teacher development and training; post-secondary scholarships in industry-specific degree programs;  
21 student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors  
22 about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead  
23 to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service  
24 learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the  
25 number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may  
26 not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to  
27 provide the same services or programs. Organizations may carry-over grants for up to three years when a large project is identified  
28 in the grant application to be used at a future date; otherwise excess funds must be returned to the state. Organizations awarded must  
29 submit a semi-annual programmatic and financial report on the last day of December in addition to the final report due August first  
30 that has been audited by a third party accounting firm.

31 **1A.34.** (SDE-EIA: Partnerships/Other Agencies & Entities) For the current fiscal year, agencies and other entities receiving funds  
32 appropriated in Part IA, Section 1, VIII. ~~E~~ *F*. will continue to report annually to the Education Oversight Committee (EOC). Any  
33 entity receiving funds that must flow through a state agency will receive those funds through the EOC, *unless requested in writing*  
34 *by the entity to match federal or other funds*. The EOC will make funding recommendations to the Governor and General Assembly  
35 as part of the agency's annual budget request.

1       **1A.35.** (SDE-EIA: ETV Teacher Training/Support) Of the funds appropriated in Part IA, Section 1, VIII.E. South Carolina  
2 Educational Television must provide training and technical support on the educational resources available to teachers and school  
3 districts.

4       **1A.36.** (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the  
5 average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school  
6 year the Southeastern average teacher salary is projected to be ~~\$51,966~~ \$52,152. The General Assembly remains desirous of raising  
7 the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to  
8 the national average teacher salary.

9       The statewide minimum teacher salary schedule used in Fiscal Year ~~2016-17~~ 2017-18 will continue to be used in Fiscal Year  
10 ~~2017-18~~ 2018-19 and the starting salary shall be increased to \$32,000 with the remaining salary schedule increased by one percent.

11       Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all  
12 eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule  
13 utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible  
14 certified teachers. For Fiscal Year 2018-19, the requirement that school districts maintain local salary supplements per teacher no  
15 less than their prior fiscal year level is suspended if additional State funds fill the gap.

16       Funds appropriated in Part IA, Section 1, VIII.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible  
17 pursuant to Section 59-20-50(4)(b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers,  
18 occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the  
19 state.

20       For purposes of this provision teachers shall be defined by the Department of Education using the Professional Certified Staff  
21 (PCS) System.

22       **1A.37.** (SDE-EIA: PowerSchool Dropout Recovery Data) With the funds appropriated to the Department of Education for  
23 PowerSchool and data collection, the department will begin in the current fiscal year to collect data from schools and school districts  
24 on the number of students who had previously dropped out of school and who reenrolled in a public school or adult education to  
25 pursue a high school diploma. The Education Oversight Committee working with the Department of Education will determine how  
26 to calculate a dropout recovery rate that will be reflected on the annual school and district report cards.

27       **1A.38.** (SDE-EIA: Assisting, Developing and Evaluating Professional Teaching -ADEPT) With funds appropriated in the current  
28 fiscal year, the Department of Education, school districts, the Department of Juvenile Justice and special schools of the state may  
29 continue implementation of the ADEPT program. Governing boards of public institutions of higher education may provide by policy  
30 or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve  
31 as supervisors for full-time students completing education degree requirements. Unexpended funds appropriated for this purpose  
32 may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purposes.

33       **1A.39.** (SDE-EIA: Educational Partnerships) The funds provided to the Center for Educational Partnerships at the College of  
34 Education at the University of South Carolina will be used to create a consortium of educational initiatives and services to schools  
35 and communities. These initiatives will include, but are not limited to, professional development in writing, geography and other  
36 content areas; training; research; advocacy; and practical consultancy. The Center will establish collaborative educational enterprises

1 with schools, school districts, parents, communities, and businesses while fulfilling the responsibilities of the School Improvement  
2 Council Assistance. The Center will focus on connecting the educational needs and goals of communities to improve efficiency and  
3 effectiveness.

4 **1A.40.** (SDE-EIA: STEM Centers SC) All EIA-funded entities that provide professional development and science programming  
5 to teachers and students should be included in the state's science, technology, engineering and mathematics education strategic plan.

6 **1A.41.** (SDE-EIA: EOC Partnerships for Innovation) Of the funds appropriated or carried forward from the prior fiscal year, the  
7 Education Oversight Committee is directed to participate in public-private partnerships to promote innovative ways to transform the  
8 assessment of public education in South Carolina that support increased student achievement in reading and college and career  
9 readiness. The Education Oversight Committee may provide financial support to districts and to public-private partnerships for  
10 planning and support to implement, sustain and evaluate the innovation and to develop a matrix and measurements of student  
11 academic success based on evidence-based models. These funds may also be used to support the innovative delivery of science,  
12 technology, and genetic education and exposure to career opportunities in science, including mobile science laboratory programs, to  
13 students enrolled in the Abbeville equity school districts and students in high poverty schools. These funds may also focus on  
14 creating public-private literacy partnerships utilizing a 2:1 matching funds provision when the initiative employs research-based  
15 methods, has demonstrated success in increasing reading proficiency of struggling readers, and works directly with high poverty  
16 schools and districts. The committee will work to expand the engagement of stakeholders including state agencies and boards like  
17 the Educational Television Commission, businesses, and higher education institutions. The committee shall annually report to the  
18 General Assembly on the measurement results.

19 ~~The Education Oversight Committee and the Department of Education shall recommend to the Senate Finance Committee and to~~  
20 ~~the House Ways and Means Committee a plan to develop and implement a strategic grants process for reviewing, awarding, and~~  
21 ~~monitoring innovative education strategies in schools and districts. The plan would identify the process and priority areas for funding~~  
22 ~~that address the educational needs of the state. The plan must be submitted by January 15, 2018.~~

23 **1A.42.** (SDE-EIA: Aid to Districts Draw Down) For the current fiscal year, in order to draw down funds appropriated in Part IA,  
24 Section 1, VIII.A.1, Aid to Districts, school districts, Palmetto Unified District and the Department of Juvenile Justice must work  
25 with local law enforcement agencies, and when necessary, state law enforcement agencies in order to ensure that the district has an  
26 updated school safety plan in place. The safety plan must include safety directives in the classroom, a safe student and staff exit  
27 strategy and necessary safety staff. Notice of completion of the updated plan must be submitted to the Department of Education no  
28 later than September first, of the current fiscal year. *In the current fiscal year, school districts may continue to negotiate with local*  
29 *law enforcement for the provision of School Resource Officers.* The department must report to the Chairman of the House Ways and  
30 Means Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Finance  
31 Committee and the Chairman of the Senate Education Committee by September thirtieth, of the current fiscal year, on any districts  
32 that failed to submit an updated plan.

33 **1A.43.** (SDE-EIA: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic  
34 Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school  
35 districts, and special schools.

1       **1A.44.** (SDE-EIA: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must  
2 not be less than \$108,500.

3       **1A.45.** (SDE-EIA: Teach for America SC) Because Teach For America SC receives EIA funds in the current fiscal year, school  
4 districts that partner with Teach For America SC are required to provide to Teach For America SC by September first annually,  
5 information on the prior year's academic achievement of students who were directly taught by Teach For America corps members.  
6 The information must be in a format that protects the identity of individual students and must include state assessment data as  
7 appropriate.

8       **1A.46.** (SDE-EIA: EOC-South Carolina Autism Society) Of the funds appropriated in Section 1A, VIII.E. Partnerships, Education  
9 Oversight Committee (A85), \$500,000 must be transferred in quarterly installments from the Education Oversight Committee to the  
10 South Carolina Autism Society for the Autism Parent-School Partnership Program. Beginning October 10, 2015, the South Carolina  
11 Autism Society shall provide a quarterly accounting report to the Chairman of the Senate Finance Committee, the Chairman of the  
12 House Ways and Means Committee and the Education Oversight Committee.

13       **1A.47.** (SDE-EIA: CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete  
14 periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF programs at the  
15 current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of Directors. Further,  
16 CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions  
17 who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA  
18 Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who  
19 applies but is not selected to host a TF program will be informed in writing of the basis for the selection decision and be offered  
20 technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal  
21 to the Commission on Higher Education.

22       **1A.48.** (SDE-EIA: Surplus) For Fiscal Year ~~2017-18~~ 2018-19, EIA cash funds from the prior fiscal year and EIA funds not  
23 otherwise appropriated or authorized must be carried forward and expended on the following items in the order listed:

- 24       ~~1. Computer Science Task Force - \$400,000;~~  
25       ~~2. 1. EOC-Partnerships - \$6,281,500~~ \$5,109,000; and  
26       ~~3. 2. Industry Certification - \$3,000,000;~~ \$2,450,000.  
27       ~~4. SDE School Districts Capital Improvement Plan - \$55,828,859;~~  
28       ~~5. SDE Technical Assistance - \$1,308,500; and~~  
29       ~~6. SDE K-12 Funding Gap - \$450,000.~~

30       ~~The Department of Education shall disburse the funds for the K-12 Funding Gap proportionately to school districts that, in the~~  
31 ~~current fiscal year, are cumulatively appropriated and allocated at least eight percent less state funds than the school district was~~  
32 ~~appropriated and allocated in Fiscal Year 2016-17. For purposes of this proviso, state funds includes Education Improvement Act~~  
33 ~~funds. Further, the amounts appropriated and allocated in Part IA and Sections 1 and 1A of this Part IB, shall be considered for~~  
34 ~~purposes of determining whether a school district received less state funds.~~

35       **1A.49.** (SDE-EIA: Public Charter Pupil Counts) With funds appropriated to charter schools sponsored by either the South  
36 Carolina Public Charter School District or a registered Institution of Higher Education, the district sponsor must require each charter

1 school to submit a student attendance report for the 5<sup>th</sup>, 45<sup>th</sup>, 90<sup>th</sup> and 135<sup>th</sup> days. Reporting requirements shall include both Average  
2 Daily Membership and Weighted Pupil Unit membership. The South Carolina Public Charter School District *or a registered*  
3 *Institution of Higher Education* shall then provide the data for each charter school to the Department of Education. Quarterly, the  
4 department will submit the information to the House Ways and Means Committee, the House Education and Public Works  
5 Committee, the Senate Finance Committee and the Senate Education Committee.

6 The South Carolina Public Charter School District *or a registered Institution of Higher Education* must also require each virtual  
7 charter school to collect the following information: (1) the reason or reasons why each student enrolled in the virtual charter school  
8 district from both the parent(s) and the referring school district; and (2) the reason or reasons why a student withdrew from the virtual  
9 charter school district. This data must be provided to the Department of Education quarterly and must include the unique student  
10 identifier. The department, in turn, will provide summary information to the House Ways and Means Committee, the House  
11 Education and Public Works Committee, the Senate Finance Committee and the Senate Education Committee on the enrollment and  
12 withdrawal information *on June 30<sup>th</sup> of the current fiscal year*.

13 **1A.50.** (SDE-EIA: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section  
14 VIII.~~G.H.~~ - South Carolina Public Charter School District *Statewide Sponsor* must be allocated in the following manner to students  
15 at charter schools within the South Carolina Public Charter School District *or within a registered Institution of Higher Education*:  
16 Pupils enrolled in virtual charter schools sponsored by the South Carolina Public Charter School District *or a registered Institution*  
17 *of Higher Education* shall receive \$1,900 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by  
18 the South Carolina Public Charter School District *or a registered Institution of Higher Education* shall receive \$3,600 per weighted  
19 pupil. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried forward from the prior fiscal  
20 year and expended for the same purpose. Any unexpended funds exceeding ten percent of the prior year appropriation must be  
21 transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175. For Fiscal Year ~~2017-18~~ 2018-  
22 19, the timelines set forth for ruling on charter school applications are extended for sixty calendar days for all applications submitted  
23 to the South Carolina Public Charter School District if the district determines that an applicant should be permitted to amend its  
24 application to meet the requirements of Section 59-40-60 and Section 59-40-70, of the 1976 Code, based on an applicant's proposal  
25 to address an existing achievement gap utilizing an evidence-based educational program in an underserved geographical area of the  
26 state including, but not limited to, charter schools proposed to be located in any school district that is a plaintiff in the Abbeville law  
27 suit. The South Carolina Public Charter School District shall report to the Senate Finance Committee and the House Ways and  
28 Means Committee on the outcomes of this extended time for a hearing at the end of the application cycle.

29 **1A.51.** (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships  
30 for Innovation, ~~\$500,000~~ \$375,000 must be allocated to support up to three low-achieving schools in designing and planning for  
31 implementation innovative, research-based strategies focused on recruiting and retaining highly effective teachers and on increasing  
32 time-on-task through the amount of time, the quality of instruction and the engagement of students. The committee will assist the  
33 schools in determining the evidence that will be collected to measure the effectiveness of the initiative and in identifying resources  
34 to support the initiative and in collaborating with TransformSC.

35 **1A.52.** (SDE-EIA: TransformSC) Of the funds appropriated to the Education Oversight Committee for Partnerships for  
36 Innovation, at least ~~\$400,000~~ \$300,000 shall be allocated to the TransformSC public-private project.

1       **1A.53.** (SDE-EIA: CDEPP Student Information and Reporting) For the current fiscal year, the Department of Education and the  
2 Office of First Steps to School Readiness must acquire unique student identifiers or SUNS numbers for each student enrolled in the  
3 CDEPP program no later than the 45<sup>th</sup> day and must provide a report of such to the House Ways and Means Committee, the House  
4 Education Committee, the Senate Finance Committee, the Senate Education Committee and the Education Oversight Committee by  
5 November first. The Department of Education and the Office of First Steps to School Readiness must provide any information  
6 required by the Education Oversight Committee for the annual CDEPP report no later than November thirtieth.

7       **1A.54.** (SDE-EIA: Charter School Funding-Chartered by Institution of Higher Education) ~~Pupils enrolled in a brick and mortar~~  
8 ~~charter school authorized by an approved institution of higher education located in this state shall receive \$3,600 per weighted pupil~~  
9 ~~and pupils enrolled in a virtual charter school authorized by an approved institution of higher education located in this state shall~~  
10 ~~receive \$1,900 per weighted pupil from the funds appropriated in Part IA, Section VIII.G. — South Carolina Public Charter~~  
11 ~~School—Institution of Higher Education. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be~~  
12 ~~carried forward from the prior fiscal year and expended for the same purpose. Any unexpended funds exceeding ten percent of the~~  
13 ~~prior year appropriation must be transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175,~~  
14 ~~of the 1976 Code.~~

15       **1A.55.** (SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for  
16 Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved  
17 districts experiencing excessive turnover of classroom teachers on an annual basis.

18       (B) During the current fiscal year CERRA shall publish eligibility requirements and applications for individual educators, school  
19 districts, and institutions of higher education not inconsistent with existing licensure requirements for each, but also including:

20           (1) Eligible districts identified by CERRA as experiencing greater than eleven percent average annual teacher turnover, as  
21 reported on the districts' five most recent district report cards issued by the South Carolina Department of Education, may make  
22 application to participate in the program.

23           (2) Individuals eligible for incentives shall be willing to provide instructional services in an eligible district in exchange for  
24 participation in an incentive detailed in item (C) of this section, pursuant to the obligations and restrictions stated for each.

25           (3) Institutions of higher education eligible to receive education funding as a component of recruiting incentives created  
26 pursuant to item (C) of this section shall not be excluded from participation in Teaching Fellows Program.

27           (4) Any incentives requiring individuals to relocate into an eligible district to provide instructional services shall not be  
28 made available to individuals providing instructional services in other eligible districts.

29       (C) Pursuant to item (A), CERRA shall develop a set of incentives including, but not limited to, salary supplements, education  
30 subsidies, loan forgiveness, professional development, and mentorship to be provided to classroom educators that offer instructional  
31 services in eligible districts and shall provide incentive options for eligible individuals at all stages of their careers, including  
32 high-school and college or university students interested in entering the teaching profession and including individuals entering the  
33 field through an alternative certification pathway to include, but not limited to, PACE, ABCTE, Teach for American and CATE  
34 Work-Based Certification.

1 At a minimum, the incentives shall include:

2 ~~(1) South Carolina Teachers Loan forgiveness at a rate of one year for every two years of service as a teacher in an eligible~~  
3 ~~district, unless otherwise eligible for a greater forgiveness rate under the guidelines of the South Carolina Teachers Loan Program.~~

4 ~~(2)~~ (1) Development of a program for forgiveness of undergraduate student loans, not to exceed \$5,000 per year, for up to 7  
5 years, for teachers participating in this incentive that achieve certification through an alternative pathway or who have a loan from  
6 an institution other than the South Carolina Student Loan Corporation or program other than the South Carolina Teachers Loan  
7 Program.

8 ~~(3)~~ (2) Development of a forgivable loan program for individuals pursuing graduate coursework in furtherance of a teaching  
9 career, including enrollment in graduate-level coursework necessary to seek additional credentialing or certification relevant to the  
10 participant's teaching practice, or individuals seeking an alternative pathway to certification as a teacher.

11 (4) (3) Support for the establishment and maintenance of a teaching mentorship program, including salary supplements for  
12 teaching mentors not to exceed \$2,500 per year.

13 ~~(5)~~ (4) Other technical support and recruiting incentives as developed by CERRA in conjunction with the Department of  
14 Education and the Education Oversight Committee consistent with the objectives of this section.

15 (D) In addition to eligibility and application requirements, CERRA shall develop a process for recovering an amount equal to the  
16 incentives given to individual participants who fail to comply with the obligations associated with a relevant incentive in which they  
17 participate including, but not limited to, failure to complete a prescribed course of study, failure to obtain a relevant certification or  
18 licensure upon completion of a course of study, or failure to provide instructional services in an eligible district for a prescribed  
19 period of time.

20 (E) CERRA shall report by July thirty-first of the current fiscal year to the Governor, President pro Tempore of the Senate, and  
21 Speaker of the House on the incentives developed pursuant to item (C) of this section and make recommendations for attracting and  
22 retaining high quality teachers in rural and underserved districts. The report shall contain at a minimum eligibility requirements and  
23 application processes for districts and individuals, descriptions of and proposed budgets for each incentive program and an analysis  
24 of the number and demographics of individuals potentially eligible for each.

25 (F) Funds appropriated or transferred for use in the Rural Teacher Recruiting Incentive may be carried forward from prior fiscal  
26 years and used for the same purpose.

27 **1A.56.** (SDE-EIA: Project Read) Of the funds appropriated in Section 1A. VIII.A.3. for Reading, \$500,000 must be used for  
28 teacher in-service training and professional development related to Project Read. The department may set accountability guidelines  
29 to ensure that funds are spent in accordance with the proviso.

30 **1A.57.** (SDE-EIA: Reading/Literacy Coaches) (A) Funds appropriated for Reading/Literacy Coaches must be allocated to school  
31 districts by the Department of Education as follows: ~~(1)~~ for each *primary and* elementary school in which twenty percent or more  
32 of the students scored below "meets expectations" on the reading sub score of the English language arts test in the most recent year  
33 for which such data are available, the school district shall be eligible to receive the lesser of up to \$62,730 or the actual cost of salary  
34 and benefits for a full-time reading/literacy coach; and

35 ~~(2)~~ for each elementary school in which fewer than twenty percent of the students scored as referenced in (A)(1), the school  
36 district shall be eligible to receive the lesser of up to \$31,365 or fifty percent of the actual cost of salary and benefits for a full-time

1 ~~reading/literacy coach. A school district must provide local support for state funds provided under this paragraph. School districts~~  
2 ~~may use existing local funds currently used for reading assistance as the local support.~~

3 (B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures,  
4 except for districts that either are currently, or in the prior fiscal year, were paying for reading/literacy coaches with local funds. A  
5 district may, ~~however, assign a reading/literacy coach to a primary school rather than to the elementary school to improve the early~~  
6 ~~literacy skills of young children~~ only utilize these funds to employ reading/literacy coaches that may serve in a primary, elementary,  
7 or middle school or a combination of these schools depending on the area of highest need in the district. The school district must  
8 align the placement of coaches to the district reading plan that is approved by the department.

9 (C) Funds appropriated for reading/literacy Coaches are intended to be used to provide primary, elementary, and/or middle  
10 schools with reading/literacy coaches who shall serve according to the provisions in Chapter 155 of Title 59.

11 (D) Schools and districts accepting funding to support a coaching position agree that the reading/literacy coach must not serve as  
12 an administrator. If the department finds that school districts are using these funds for administrative costs as defined in statute they  
13 must withhold that districts remaining balance of funds allocated pursuant to this proviso.

14 (E) The Department of Education must publish guidelines that define the minimum qualifications for a reading/literacy coach.  
15 These guidelines must deem any licensed/certified teacher qualified if, at a minimum, he or she:

16 (1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; or

17 (2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or

18 (3) holds a master's degree or higher in reading or a closely-related field.

19 Within these guidelines, the Department of Education must assist districts in identifying a reading/literacy coach in the event that  
20 the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A), including  
21 the local support requirements, shall also apply to any allocations made pursuant to this paragraph.

22 (F) The Department of Education must develop procedures for monitoring the use of funds appropriated for reading/literacy  
23 coaches to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of Education  
24 may receive up to \$100,000 of the funds appropriated for reading/literacy coaches in order to implement this program, provided that  
25 this allocation does not exceed the department's actual costs.

26 (G) Prior to the close of the current fiscal year, any unspent or unallocated funds for reading/literacy coaches shall be used to fund  
27 Summer Reading Camps.

28 (H) The Department of Education shall require:

29 (1) any school district receiving funding under subsection (A) to identify the name and qualifications of the supported  
30 reading/literacy coach; as well as the school in which the coach is assigned; and

31 (2) any school district receiving funding under subsection ( G) to account for the specific amounts and uses of such funds.

32 (I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on the  
33 hiring of and assignment of reading/literacy coaches by school. The department shall also report the amount of funds that will be  
34 used for Summer Reading Camps.

35 (J) Funds appropriated for reading/literacy coaches shall be retained and carried forward to be used for the same purpose but  
36 may not be flexed.



1 ~~(K) For Fiscal Year 2017-18, if increased funding for reading/literacy coaches is not sufficient to provide additional~~  
2 ~~reading/literacy coaches at each elementary school then the funding must be targeted to the areas of greatest need based on the~~  
3 ~~number of students substantially failing to demonstrate reading proficiency as indicated on the prior year's state assessment.~~

4 **1A.58.** (SDE-EIA: Digital Instructional Materials) The Department of Education shall *continue to* create an instructional materials  
5 list composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption  
6 process. The department shall continue to work with the publishers of instructional materials to ensure that districts ~~who wish to~~  
7 ~~receive both the digital version and~~ *have options for print/digital student materials to include* class sets of textbooks ~~may be awarded~~  
8 ~~that option~~ *print student editions, if needed.* Funds appropriated for the purchase of ~~textbooks and other~~ instructional materials  
9 *(print/digital)* may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted  
10 ~~textbook~~ *instructional materials* inventory, purchasing new kits *or those adopted as supplemental* from the central textbook  
11 depository, or a combination of refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the  
12 state-adopted refurbishing kits plus a reasonable amount for shipping and handling. Costs for staff development, personnel costs,  
13 equipment, or other costs associated with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional  
14 Materials may be carried forward from the prior fiscal year into the current fiscal year to be expended for the same purposes by the  
15 department, school districts, and special schools. These funds are not subject to flexibility. ~~Digital Instructional Materials shall~~  
16 ~~include the digital equivalent of materials and devices.~~

17 **1A.59.** (SDE-EIA: 4K Early Literacy Competencies Assessments) Of the funds carried forward from the full-day 4K program  
18 from the previous fiscal year, the Department of Education is authorized to expend up to \$800,000 on assessments and professional  
19 development to analyze the early literacy competencies of children in publicly funded prekindergarten. *If these funds are not*  
20 *available, funds appropriated and/or authorized for assessment shall be used to administer the prekindergarten assessments.* The  
21 department shall manage the administration of assessments that analyze the early literacy and language development of children in  
22 publicly funded prekindergarten as done in the prior fiscal year. Each school district and private provider participating in a publicly  
23 funded prekindergarten program will administer one of the formative assessments selected by the department to each child eligible  
24 for and enrolled in a publicly funded prekindergarten program during the first forty-five days of the school year and during the last  
25 forty-five days of the school year. Accommodations that do not invalidate the results of these assessments must be provided in the  
26 manner set forth by the student's Individualized Education Program or 504 Accommodations Plan *and for students who are Limited*  
27 *English Proficient according to their LEP Plan.* The department will provide the assessment data to the Education Oversight  
28 Committee. The results of the assessment and the developmental intervention strategies recommended or services needed to address  
29 the child's identified needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a  
30 student to admission to prekindergarten.

31 Furthermore, up to \$2,000,000 of the funds appropriated for half-day programs for four-year-olds and funds carried forward from  
32 assessment must be expended by the Department of Education to administer the Kindergarten Readiness Assessment (KRA) to each  
33 child entering kindergarten in the public schools. The assessment of kindergarten students must be administered at a minimum of  
34 once during the first forty-five days of the school year with the results collected by the department. The results of the assessments  
35 and the developmental intervention strategies recommended or services needed to address each child's identified needs must also be  
36 provided, in writing, to the parent or guardian. The assessment may not be used to deny a student admission to kindergarten.

1 Accommodations that do not invalidate the results of these assessments must be provided in the manner set forth by the student's  
2 Individualized Education Program, or 504 Accommodations Plan, or LEP Plan. Districts are given the option of designating up to  
3 two days of the one hundred eighty day school calendar to administer the assessment to kindergarten students. The department will  
4 also provide the results of the assessment of kindergarten students to the Education Oversight Committee. With available funds, the  
5 department will also provide or secure training for appropriate educators in how to administer the assessment.

6 For all students assessed with the Kindergarten Readiness Assessment (KRA), the Department of Education is required to collect  
7 data from schools and school districts on the prior early learning experience of each student. The data would include whether the  
8 kindergartener had attended in the prior school year a Head Start program, a South Carolina Early Reading Development and  
9 Education Program in a public school or a private center, a half-day 4K program in a public school, a full-day 4K program in a public  
10 school, a child care center (registered faith-based, registered family home, group home, or exempt provider) or informal child care.

11 **1A.60. RESERVED**

12 **1A.61.** (SDE-EIA: CDEPP Unexpended Funds) For Fiscal Year ~~2017-18~~ 2018-19, the Office of First Steps to School Readiness  
13 is permitted to retain the first \$1,000,000 of any unexpended CDEPP funds of the prior fiscal year and expend these funds to enhance  
14 the quality of the full-day 4K program in private centers and provide professional development opportunities.

15 By August first, the Office of First Steps is directed to allocate any additional unexpended CDEPP funds from the prior fiscal year  
16 and any CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the following purpose:  
17 Education Oversight Committee - \$1,000,000 for the South Carolina Community Block Grants for Education Pilot Program.

18 If carry forward funds are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata  
19 basis.

20 If by August first, the Department of Education or the Office of First Steps determines there will be funds available, funds shall  
21 be allocated on a per pupil basis for districts eligible for participation first, who have a documented waiting list, and funded an  
22 extended program per this proviso in the prior school year, then to districts to increase the length of the program to a maximum of  
23 eight and a half hours per day or two hundred and twenty days per year or to fund summer programs. By August 1, the Department  
24 of Education and the Office of First Steps must collect the documented waiting lists and determine a process to notify parents of  
25 eligible students of available slots in all approved providers. If a district chooses to fund summer enrollment the program funding  
26 shall conform to the funding in this act for full year programs, however shall be reduced on a pro rata basis to conform with the  
27 length of the program. A summer program shall be no more than eight and a half hours per day and shall be not more than ten weeks  
28 in length. The per pupil allocation and classroom grant must conform with the appropriated amount contained in this Act and end  
29 of year adjustments shall be based on the one hundred and thirty five day student average daily membership or later student average  
30 daily membership for districts choosing to extend the program past one hundred and eighty days. Funds may also be used to provide  
31 professional development and quality evaluations of programs.

32 No later than April first, the Department of Education and the Office of First Steps must report to the Chairman of the Senate  
33 Finance Committee and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the  
34 following information: the amount of money used and specific steps and measures taken to enhance the quality of the 4K program  
35 and the amount of money used for professional development as well as the types of professional development offered and the number  
36 of participants.

1       **1A.62.** (SDE-EIA: College and Career Readiness) ~~Funds appropriated to the Department of Education for District College and~~  
2 ~~Career Readiness Assistance must first be used to increase the capacity of districts that are or were the original trial and plaintiff~~  
3 ~~school districts in the Abbeville law suit. Funds shall be used by the department to provide assistance to districts using appropriately~~  
4 ~~experienced educators with demonstrated effectiveness in instructional leadership. Support shall include professional development,~~  
5 ~~standards and learning support, instructional support, data analysis and leadership development resources to ensure that educators~~  
6 ~~are equipped with the tools to provide students with high quality, personalized learning that supports the Profile of the South Carolina~~  
7 ~~Graduate. The department shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and~~  
8 ~~Means Committee on how these funds were expended.~~

9       **1A.63.** (SDE-EIA: Industry Certifications/Credentials) Of the funds appropriated for Industry Certifications/Credentials,  
10 \$3,000,000 must be allocated to school districts based upon the number of national industry exams administered in the prior school  
11 year with each district receiving a base amount of \$10,000. The department will identify the national industry exams that will be  
12 funded based upon the job availability in the state. School districts may carry forward funds from the prior fiscal year into the current  
13 fiscal year and expend the funds for the cost of national industry exams. The department shall work with the Department of  
14 Commerce, the Department of Employment and Workforce, state and local chambers of commerce and economic development  
15 offices and the Tech Board to ensure that students are aware of the industry required credentials for current job availability in the  
16 state organized by region. Any additional funds appropriated must be allocated to school districts based upon the number of national  
17 industry exams/credentials earned in the prior school year, and districts must expend these funds to pay for the cost of industry exams  
18 or to support students in preparing for the exams in the current fiscal year.

19       **1A.64.** (SDE-EIA: Career and Technology Education) Funds appropriated for Career and Technology Education will be  
20 distributed to school districts and multi-district career centers based on the prior year actual student enrollment for career and  
21 technology education courses, with no district or multi-district career center receiving less than \$50,000. Funds may be expended  
22 for the purchase of career and technical equipment, the up fitting of facilities and the purchase of consumables, regional career  
23 specialists, and such evidence-based initiatives like High Schools that Work and Project Lead the Way. Each district must include  
24 in the district plan submitted to the Office of Career and Technology Education information on other career and technical equipment  
25 available. The district must include, at a minimum, equipment located at the career center and at the technical college, information  
26 on the alignment of equipment to current industry jobs and needs in the state as recommended by career and technical program  
27 advisory committees. District plans must include charter schools within the school district offering at least one career and technical  
28 education completer program. School districts and career centers may carry forward unexpended funds to be used for the same  
29 intended purposes to up fit career and technical facilities and replace career and technical program consumables. In addition,  
30 \$125,000 of the funds appropriated shall be allocated to the Palmetto Partners for Science and Technology for robotics competition,  
31 curriculum, and support.

32       **1A.65.** (SDE-EIA: Digital Learning) Of the funds appropriated to the Education Oversight Committee for Partnerships for  
33 Innovation, ~~\$1,300,000~~ \$1,425,000 must be authorized for schools or school districts that have poverty indices of eighty percent or  
34 greater based on the poverty index utilized the prior fiscal year that was student eligibility for the free or reduced price lunch program  
35 and Medicaid, or are a trial or plaintiff district in the Abbeville equity lawsuit. In these districts, the EOC will pilot a program that

1 provides school districts with digital learning tools, digital resources, the curriculum foundry, technical support, and professional  
2 development.

3 **1A.66.** (SDE-EIA: South Carolina IT Academy) ~~Of the funds appropriated for the South Carolina IT Academy, the Department~~  
4 ~~of Education shall procure an IT Academy for public schools statewide in the coming school year. The IT Academy must offer~~  
5 ~~certification opportunities for educators to receive Teacher Certification Exams and for students to receive certifications in an office~~  
6 ~~suite of products in the middle grades and programming credentials in high school. The procurement shall include official~~  
7 ~~curriculum, e-learning, E-books, exams, software and lesson plans.~~

8 **1A.67.** (SDE-EIA: Family Connection South Carolina) Funds appropriated in Part IA, Section 1, VIII.E, Partnerships, for Family  
9 Connection South Carolina (H63), shall be transferred in quarterly installments from the Department of Education to Family  
10 Connection South Carolina. Funds shall be used to provide support to families of children with disabilities. Support shall include,  
11 home visits, transition assistance, education assistance, parent support and parent training. The department shall establish guidelines  
12 through which Family Connection South Carolina shall provide planning documents to the department not later than July fifteenth  
13 of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted annually.

14 **1A.68.** (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships  
15 for Innovation, ~~\$500,000~~ \$306,750 shall be allocated to parent support initiatives and afterschool programs in historically  
16 underachieving communities.

17 **1A.69.** (SDE-EIA: EOC Military-Connected Children) Of the funds allocated for Partnerships for Innovation, the Education  
18 Oversight Committee is directed to expend ~~\$300,000~~ \$225,000 to initiate in at least two school districts with high military density, a  
19 pilot program that will provide training, services, resources and research to teachers, counselors, mental health professionals, school  
20 nurses, service providers and military parents. The objective of the pilot is to increase the level of educational quality and support  
21 for military-connected children. The training and services must be provided by a non-profit entity that is an NBCC-Approved  
22 Continuing Education Provider and is an authorized provider by the international Association for Continuing Education and Training  
23 (IACET). Pursuant to its responsibilities under Act 289 of 2014, the Education Oversight Committee will report on the expenditure  
24 of these funds and post-training evaluations in its annual report on the educational performance of military-connected children.

25 **1A.70.** (SDE-EIA: STEM Labs) Of the funds allocated for Partnerships for Innovation, the Education Oversight Committee is  
26 directed to expend ~~\$300,000~~ \$225,000 for customized STEM labs. The Education Oversight Committee shall work with the  
27 Department of Education, Office of Standards and Learning to solicit interested middle schools from the Abbeville trial and plaintiff  
28 districts to participate in implementing a STEM based curriculum. The pilot sites will receive a customized 6<sup>th</sup> - 8<sup>th</sup> grade STEM  
29 curriculum designed to address the needs of local industry. The curriculum provided will be aligned to state standards and certified  
30 by ACT WorkKeys and will include hands-on, problem based student labs. The curriculum will also be certified by ACT WorkKeys.  
31 Teachers in the pilot sites will receive ongoing, year-long professional development on cross curricular STEM implementation that  
32 will be aligned to state standards as well and the district strategic plan.

33 **1A.71.** (SDE-EIA: Assistance Funding) For the current fiscal year, any funds appropriated to the Department of Education to  
34 assist districts that are or were Plaintiffs in the Abbeville law suit and funding appropriated to the department to provide technical  
35 assistance to underperforming districts may not be transferred to any other program, are not subject to flexibility, and may be carried  
36 forward and expended for the same purposes.

1       **1A.72.** (SDE-EIA: National Board Certification Incentive) Public school classroom teachers, to include teachers employed at the  
2 special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools who  
3 are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards  
4 or completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year  
5 following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governors School for  
6 Science and Math, Governors School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School,  
7 School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary  
8 supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement  
9 shall be adjusted on a pro rata basis for the teachers FTE and paid to the teacher in accordance with the districts payroll procedure.  
10 In addition, teachers who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching  
11 Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national  
12 board certification. National board certified teachers who have been certified by the National Board for Professional Teaching  
13 Standards or completed the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from  
14 their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and  
15 continuing contract status. Their recertification cycle will be consistent with national board certification.

16       For the current fiscal year the salary supplement will be \$5,000 for public school classroom teachers, to include teachers employed  
17 at the special schools or classroom teachers who work with classroom teachers, to include teachers employed at the special schools  
18 who are certified by the State Board of Education and who complete the application process on or after July 1, 2010, beginning in  
19 the year of achieving certification and applies uniformly to all teachers covered under Section 59-26-85(A)(2) of the 1976 Code.  
20 The special schools include the Governors School for Science and Math, Governors School for the Arts and Humanities, Wil Lou  
21 Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Department of Juvenile Justice and Palmetto  
22 Unified School District 1. The \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed the lesser of,  
23 the length of one national certificate cycle. However, the \$5,000 supplement shall be adjusted on a pro rata basis for the teachers  
24 FTE and paid to the teacher in accordance with the districts payroll procedure.

25       Fiscal Year ~~2017-18~~ 2018-19 shall be the final year for eligible teachers to submit the initial application and fee for NBPTS and  
26 be eligible to receive the state supplement upon achieving certification. Appropriations in excess of applicable expenditures shall be  
27 distributed to school districts based on the EFA formula.

28       **1A.73.** (SDE-EIA: Revolving Student Loan Program Transfer) The State Treasurer shall transfer \$16,000,000 from the EIA  
29 Revolving Student Loan Program, Fund 41L1, to the Department of Education. The department shall utilize these funds for the  
30 School Districts Capital Improvement Plan as set forth in this act.

31       **1A.74.** (SDE-EIA: Abbeville Equity School Districts Capital Improvement Plan) The funds appropriated for the Abbeville Equity  
32 School Districts Capital Improvement Plan in Part IA, Section 1, VIII, I, Abbeville Equity School Districts Capital Improvements  
33 and by provisos 1.85, 1A.48, 1A.73, and 1A.77 shall be allocated by the Department of Education to eligible school districts for the  
34 purpose of funding school facility upgrades. Eligible school districts include any school district that is a plaintiff in the Abbeville  
35 law suit or districts with a poverty index of eighty percent or higher. For the purpose of this provision, “school facility” means only  
36 facilities necessary for instructional and related supporting purposes including, but not limited to, classrooms, libraries, media centers,

1 laboratories, cafeterias, physical education spaces, related interior and exterior facilities, and the conduit, wiring, and powering of  
2 hardware installations for classroom computers or for area network systems. Eligible school facility projects shall include: (a) health  
3 and safety upgrades; (b) technology upgrades inside school facilities; (c) upgrades associated with career and technology education  
4 programs; and (d) deferred maintenance needs as described in the district's capital improvement plan. For purposes of this provision,  
5 school facilities shall not include unimproved real property, centralized district administration facilities, or other facilities, including  
6 those normally identified with interscholastic sports activities.

7 The department shall develop and maintain an application process for school districts to request funding for qualified school  
8 projects and establish policies, procedures, and priorities for the making of grants pursuant to this provision. At least twice a year  
9 and upon receipt of applications pursuant to the application process adopted by the department, the department shall prioritize the  
10 eligible projects with the greatest need and shall submit a list of recommended grant awards to the State Board of Education. Grants  
11 shall be awarded upon an affirmative vote of the State Board.

12 The financial assistance provided to school districts pursuant to this provision must be used for the eligible school facility project.  
13 The department is responsible for establishing policies and procedures to ensure that funds are expended in a manner consistent with  
14 this provision.

15 Following the close of the fiscal year, the department shall submit an annual report of its Abbeville Equity School Districts Capital  
16 Improvement Plan activities for the preceding year to the Governor, the Chairman of the Senate Finance Committee, the Chairman  
17 of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House  
18 Education and Public Works Committee.

19 **1A.75.** (SDE-EIA: Value-Added Accountability) With the funds appropriated for School Value Added Instrument in the current  
20 fiscal year the Department of Education shall use the education value-added assessment system that was procured and administered  
21 in the prior fiscal year to calculate the magnitude of student progress or growth at the school level for purposes of state and federal  
22 accountability. At the discretion of the local school district, a district may use the education value-added assessment system to  
23 evaluate classroom teachers using student progress or growth. The estimates of specific teacher effects on the educational progress  
24 of students will not be a public record and shall be made available only to the specific teacher, principal and superintendent. In the  
25 current fiscal year, the Department of Education is directed to procure a value-added assessment system, which calculates student  
26 growth and includes the measurement of magnitude of growth, to be used in future school years that meets the requirements of the  
27 state and federal accountability system as defined in Chapter 18 of Title 59 of the 1976 Code.

28 **1A.76.** (SDE-EIA: Aid to Districts-Technology) Funds appropriated to the Department of Education for Aid to  
29 Districts - Technology shall be distributed to the public school districts of the state, the special schools of the state and the South  
30 Carolina Public Charter School District, per pupil, based on the previous year's one hundred thirty-five day average daily  
31 membership, according to the below calculations: (1) For a school district with a poverty index of less than 75: \$35 per ADM; (2)  
32 For a school district with a poverty index of at least 75 but no more than 85: \$50 per ADM; or (3) For a school district with a poverty  
33 index of greater than 85 or a special school with no defined poverty index: \$70 per ADM. Poverty will be defined as determined  
34 for the poverty add on weight in Proviso 1.3 of this Act.

1 The Department of Education may adjust the per-ADM rates for each of the three classes defined above in order to conform to  
2 actual levels of student attendance and available appropriations, provided that the per-ADM rate for each class is adjusted by the  
3 same percentage.

4 Funds distributed to a school district may only be used for the following purposes: (1) To improve external connections to schools,  
5 with a goal of reaching at least 100 kilobits per second, per student in each school by ~~2017-2019~~; (2) To improve internal connections  
6 within schools, with a goal of reaching at least 1 megabit per second, per student in each school by ~~2017-2019~~; or (3) To develop or  
7 expand one-to-one computing initiatives.

8 A school district that has achieved each of the above goals may submit a plan to the K-12 Technology Committee for permission  
9 to expend its allocation on other technology-related uses; such permission shall not be unreasonably withheld and the K-12  
10 Technology Committee must permit districts to appeal any process should a district not receive approval and must provide technical  
11 assistance to districts in developing plans should the district request such.

12 Funds appropriated may not be used to supplant existing school district expenditures on technology. By June 30, ~~2018~~ 2019, each  
13 school district that receives funding during Fiscal Year ~~2017-18~~ 2018-19 must provide the K-12 Technology Committee with an  
14 itemized report on the amounts and uses of these funds, using a form developed by the Education Oversight Committee. In this  
15 report, a school district must provide information on its efforts to obtain reimbursements through the "E-Rate" Schools and Libraries  
16 Program administered by the Universal Service Administrative Company. Within its available resources, the K-12 Technology  
17 Committee shall support school districts' efforts to obtain these reimbursements.

18 **1A.77.** (SDE-EIA: Carry Forward) ~~For Fiscal Year 2017-18, the Department of Education is directed to allocate \$30,000,000~~  
19 ~~from carry forward or unencumbered or unobligated cash balances for the School Districts Capital Improvement Plan as set forth in~~  
20 ~~this Act.~~

21 **1A.78.** (SDE-EIA: Instructional Materials Adoption) ~~The Department of Education and the State Board of Education are directed~~  
22 ~~to review the current process for the adoption and appropriation of instructional materials and establish an updated process that will~~  
23 ~~include both print and digital instructional materials no later than December 1, 2017, and make corresponding funding~~  
24 ~~recommendations to the Governor and the General Assembly according to the new process.~~

25 **1A.79.** (SDE-EIA: Educator Preparation Provider) Of the funds carried forward from the prior fiscal year, the department is  
26 authorized to use up to \$300,000 to develop a data system to house post-certification data and employment for Education Preparation  
27 Provider (EPP) completers in accordance with S.C. Code Reg. 43-90. The system must provide the department with the ability to  
28 collect, store, and disseminate data elements needed for national accreditation of providers. Such data shall be exempted from  
29 disclosure under Section 30-4-40 of the 1976 Code, the South Carolina Freedom of Information Act.

30 **1A.80.** (SDE-EIA: Teacher Academy Pilot) Of the funds appropriated to the Education Oversight Committee for Partnerships for  
31 Innovation, ~~\$100,000~~ \$75,000 shall be utilized to pilot a Teacher Academy project to improve teacher recruitment and retention.  
32 The academy shall provide intensive professional development to beginning, novice, and struggling teachers during the summer prior  
33 to the current school year. The Education Oversight Committee shall evaluate the impact of the academy using the state observation  
34 tool "Effective Learning Environments Observation Tool" (ELEOT).

35 **1A.81.** (SDE-EIA: Kinesthetic Learning Platform) Of the funds appropriated to the Education Oversight Committee for  
36 Partnerships for Innovation, ~~\$250,000~~ \$187,500 must be used to pilot a kinesthetic learning platform using physical activity to teach

1 South Carolina's Math, English/Language Arts and Literacy standards for the Pre K through 3<sup>rd</sup> grade learner to improve academic  
2 performance.

3 **1A.82.** (SDE-EIA: Algebra) Of the funds appropriated to the Education Oversight Committee for Partnerships for Innovation,  
4 ~~\$1,500,000~~ \$1,125,000 must be used to pilot and evaluate a program that provides students with statewide access to: (a) algebra  
5 videos, online practice tools, and tutoring; (b) algebra videos taught by at least 5 different instructors. The instructors must be from  
6 diverse backgrounds and have different teaching styles so students may differentiate their learning; (c) algebra videos, specifically  
7 aligned with South Carolina state standards; (d) algebra study guides/notes that follow along explicitly with the algebra videos. Each  
8 student must have access to a workbook version of these study guides; (e) algebra practice tool that provides instant feedback to  
9 students, as well as solution videos and guidance to review; and (f) online, collaborative discussion wall where students can ask  
10 questions and receive assistance from both peers and instructors. The discussion wall must be accessible after school and on  
11 weekends.

12 The pilot must also provide teachers with statewide access to: (a) a professional learning community and discussion wall, where  
13 teachers can share best practices and resources; (b) reports on student usage and progress; and (c) teacher materials, answer keys,  
14 and resources accessible within the same platform.

15 **1A.83.** (SDE-EIA: Kindergarten Readiness Program) Of the funds appropriated to the Education Oversight Committee for  
16 Partnerships for Innovation, ~~\$300,000~~ \$225,000 must be allocated to support a home based, technology delivered kindergarten  
17 readiness program with software aligned with NAEYC's 12 Principles of Child Development and Learning that Inform Practice and  
18 with Head Start's Early Learning Outcomes framework and with demonstrated RCT results.

19 **1A.84.** (SDE-EIA: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving  
20 funds from the Department of Education for an alternative school shall identify available alternatives to commitment for children  
21 whose truancy is approaching the level of being referred to family court. When proceeding under Section 59-65-50 of the 1976 Code  
22 to bring an individual case before the family court, the school district must present this plan as well as the district's efforts with  
23 respect to the individual child to the court. Each school district's plan under this proviso shall include possible assignment to  
24 alternative school for a non-attending child before petitioning the court.

25 **1A.85.** (SDE-EIA: Save the Children) Of the funds appropriated to the Education Oversight Committee for Partnerships of  
26 Innovation, \$375,000 must be used to provide early learning and literacy support to schools and districts.

27 **1A.86.** (SDE-EIA: Digital Learning Plan) **DELETED**

28 **1A.87.** (SDE-EIA: McCormick County Schools) The Department of Revenue must directly allocate the funds appropriated under  
29 VIII. F. Partnerships for John de la Howe for teacher salaries to McCormick County School District to create a school within a  
30 school program to educate at-risk students, including students at John de la Howe who attend McCormick County schools. The  
31 program must use an accelerated curriculum which utilizes multimedia/multimodal learning activities to ensure academic success  
32 and development of leadership and communication skills.

33 **1A.88.** (SDE-EIA: Value-Added Instrument) **DELETED**

34 **1A.89.** (SDE-EIA: Teacher Salaries Increase) For Fiscal Year 2018-19, the Department of Education is directed to increase the  
35 statewide salary schedule by one percent and increase the starting salary to \$32,000. A local school district board of trustees must  
36 provide all certified teachers paid on the teacher salary schedule a one percent salary increase. Districts are to provide this increase



1 using the district salary schedule utilized the prior fiscal year as its base. School districts shall utilize the additional funds made  
2 available from the Teacher Salary Supplement appropriation to provide the required one percent increase.

3 For purposes of this provision, teachers shall be defined by the Department of Education using the Professional Certified Staff  
4 (PCS) System.

5 **1A.90. (SDE-EIA: Reading Partners) DELETED**

6 **1A.91. (SDE:EIA: Institutions of Higher Learning Charter Schools)** For the current fiscal year, in addition to all the requirements  
7 of charter schools enumerated in Chapter 40 of Title 59, charter schools sponsored by a public institution of higher learning or an  
8 independent institution of higher learning and any public institution of higher learning or an independent institution of higher  
9 learning receiving State funding shall:

10 a) have their governing board of the charter schools subject to the Freedom of Information Act for all purposes related to  
11 charter school operations, the governing board of the charter schools shall be considered a public body for all purposes related to  
12 charter school operations;

13 b) not grant more than two new charters or replicate more than one existing charter in the current fiscal year. If more than  
14 two schools apply, the authorizer shall have sole discretion as to which schools are approved;

15 c) maintain a transaction register for each charter school that includes a complete record of all funds expended over one  
16 hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the charter school's  
17 internet website or the authorizer's website and made available for public viewing and downloading. The register must include for  
18 each expenditure:

19 (i) the transaction amount;

20 (ii) the name of the payee; and

21 (iii) a statement providing a detailed description of the expenditure indicating whether the expenditure is for administration  
22 or instruction.

23 The register must not include an entry for salary, wages, or other compensation paid to individual employees and instead must  
24 aggregate salaries, wages and other compensation. The register must not include any information that can be used to identify an  
25 individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a  
26 payee or an expenditure. The register must be searchable and updated at least once a month.

27 Each charter school must also maintain on its internet website a copy of each monthly statement for all of the credit cards  
28 maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each  
29 statement must be redacted prior to posting on the internet website. Each credit card statement must be posted not later than the  
30 thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

31 d) Provide the description of school enrollment composition required in Section 59-40-60 (F) (9) and the financial audits  
32 required in Section 59-40-50(B)(3) to the State Board of Education. The State Board shall provide these to the General Assembly  
33 should they determine contents of the items provided merit legislative review.

34 e) Provide an annual report with such student data, including but not limited to, testing results, student attendance, and  
35 graduation rates, as the department may determine necessary.

1 These schools must report to the State Board of Education by June 30th of the current fiscal year on compliance with the  
2 components of this proviso.

3 1A.92. (SDE-EIA: Grants Committee) With the funds appropriated to the Department of Education, the department shall establish  
4 an independent grants committee to support innovation pilot initiatives in public schools and school districts. The goal of the  
5 initiative is to invest in strategies or programs to improve student outcomes as described in the Profile of the South Carolina  
6 Graduate and to promote public-private partnerships between business, nonprofit organizations, institutions of higher education,  
7 local school systems and public schools.

8 The Superintendent of Education is directed to appoint an independent grants committee to develop the process for awarding the  
9 grants or directly purchasing services. The process shall include the application procedure, selection process, and matching grant  
10 formula if applicable. The grants committee must be comprised of seven members, three members selected from the education  
11 community and four members selected from the business community. The chairman of the committee shall be selected by the  
12 committee members at the first meeting of the committee. The suggested criteria for awarding the grants to schools or school districts  
13 or directly purchasing services must include, but are not limited to:

14 (1) a demonstrated ability to meet the match throughout the granting period;

15 (2) a demonstrated ability to implement the initiative or model as set forth in the application;

16 (3) identification of key measurable benchmarks in the education continuum that must be improved to raise student  
17 achievement and ensure all students graduate college, career and civic ready;

18 (4) a demonstrated ability to be both replicable and scalable with priority given to those projects that focus on applied learning  
19 opportunities and experiences, especially in the STEM or STEAM fields;

20 (5) blended and personalized learning focused on content mastery and experiential learning; and

21 (6) innovative strategies to close student achievement gaps, with a focus on below average and unsatisfactory schools.

22 The match required from a grant recipient shall be based on the poverty of the district or school. No matching amount will exceed  
23 more than seventy percent of the grant request or be less than ten percent of the request. The required match may be met by funds  
24 or by in-kind donations, such as technology, to be further defined by the grants committee. Public school districts and schools that  
25 have high poverty and low achievement will receive priority for grants when their applications are judged to meet the criteria  
26 established for the grant program. The committee shall submit its process to the Governor, the Chairman of House Ways and Means  
27 and the Chairman of Senate Finance by December 31, 2018.

28 Grantees and service providers will be required to participate in an external evaluation that is the financial responsibility of the  
29 Education Oversight Committee. The evaluation must document the results of the grants and examine the implementation of the  
30 initiatives and models to understand the delivery of services and any contextual factors. The evaluation will then highlight the  
31 accomplishments and common challenges of the initiatives and models funded to share the lessons learned with the state's public  
32 education community.

1 SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

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3.1. (LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.

For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission on Higher Education and the Executive Budget Office by October, 1, ~~2017~~ 2018, and these expenditures are subject to annual verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years. The annual verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher Education and the commission shall not assess a fee or charge institutions of higher learning for performing this function. In addition, the Commission on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by October first each year summarizing, by institution, how lottery funds were expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and concerns discovered as a result of the commission’s verification and/or audit activity during the prior fiscal year, if any.

For the Department of Education, adopted procedures to monitor expenditures of lottery funds that are allocated to the South Carolina school districts and other recipient institutions according to law and Department of Education guidelines shall be reported to the Executive Budget Office by October 1, ~~2017~~ 2018. In addition, the Department of Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the amount of lottery funds the department distributed to each entity in the prior fiscal year.

All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget Office by October 1, ~~2017~~ 2018.

The Executive Budget Office shall ensure that state agencies receiving lottery funds have procedures in place to monitor expenditures of lottery funds and that the monitoring procedures are operating effectively.

3.2. (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

3.3. (LEA: FY 2017-18 Lottery Funding) ~~There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed below. These appropriations must be used to supplement and not supplant existing funds for education.~~

~~The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.~~

~~All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.~~

~~For Fiscal Year 2017-18, certified net lottery proceeds and investment earnings for the current fiscal year, including the Fiscal Year 2016-17 certified surplus, are appropriated as follows:~~

<del>(1) Commission on Higher Education – LIFE Scholarships as provided in Chapter 149, Title 59 .....</del>	<del>\$ 221,843,614;</del>
<del>(2) Commission on Higher Education – HOPE Scholarships as provided in Section 59-150-370.....</del>	<del>\$ 14,458,578;</del>
<del>(3) Commission on Higher Education – Palmetto Fellows Scholarships as provided in Section 59-104-20 .....</del>	<del>\$ 51,927,301;</del>

1	<del>(4) Commission on Higher Education and State Board for Technical and Comprehensive</del>	
2	<del>Education Tuition Assistance .....</del>	<del>\$ 47,342,211;</del>
3	<del>(5) Commission on Higher Education Need Based Grants .....</del>	<del>\$ 17,537,078;</del>
4	<del>(6) Higher Education Tuition Grants Commission Tuition Grants .....</del>	<del>\$ 8,830,008;</del>
5	<del>(7) Department of Education School Bus Lease/Purchase .....</del>	<del>\$ 609,484;</del>
6	<del>(8) State Board for Technical and Comprehensive Education Workforce Scholarship Grants .....</del>	<del>\$ 8,000,000;</del>
7	<del>(9) Higher Education Tuition Grants Commission SREB Program and Assessments .....</del>	<del>\$ 349,606;</del>
8	<del>(10) State Board for Technical and Comprehensive Education Allied Health .....</del>	<del>\$ 3,000,000;</del>
9	<del>(11) Commission on Higher Education Technology Public Four Year</del>	
10	<del>Institutions, Two Year Institutions, and State Technical Colleges .....</del>	<del>\$ 6,500,000;</del>
11	<del>(12) South Carolina State University .....</del>	<del>\$ 2,500,000;</del>
12	<del>(13) Department of Education Reading Partners .....</del>	<del>\$ 400,000;</del>
13	<del>(14) Commission on Higher Education Higher Education Excellence Enhancement Program .....</del>	<del>\$ 567,473;</del>
14	<del>(15) State Library Aid to County Libraries .....</del>	<del>\$ 1; and</del>
15	<del>(16) State Board for Technical and Comprehensive Education Military Education, Training</del>	
16	<del>and Support Program .....</del>	<del>\$ 1.</del>

17 For Fiscal Year 2017-18, net lottery proceeds and investment earnings above the Fiscal Year 2016-17 certified surplus are  
 18 appropriated pro rata as follows:

19	<del>(1) Department of Education School Bus Lease/Purchase .....</del>	<del>\$ 17,500,000;</del>
20	<del>(2) State Library Aid to County Libraries .....</del>	<del>\$ 800,000;</del>
21	<del>(3) Commission on Higher Education Carolina Career Clusters Grant (1:1 Match) .....</del>	<del>\$ 300,000; and</del>
22	<del>(4) State Board for Technical and Comprehensive Education SPICE Program .....</del>	<del>\$ 250,000.</del>

23 For Fiscal Year 2017-18, funds certified from unclaimed prizes are appropriated as follows:

24	<del>(1) Commission on Higher Education Higher Education Excellence Enhancement Program .....</del>	<del>\$ 5,505,000;</del>
25	<del>(2) Department of Alcohol and Other Drug Abuse Services Gambling Addiction Services .....</del>	<del>\$ 50,000;</del>
26	<del>(3) Commission on Higher Education National Guard Tuition Repayment Program as</del>	
27	<del>provided in Section 59-111-75 .....</del>	<del>\$ 4,634,968;</del>
28	<del>(4) School for the Deaf and the Blind Technology .....</del>	<del>\$ 200,000;</del>
29	<del>(5) School for the Deaf and the Blind Bus/Lease .....</del>	<del>\$ 800,000;</del>
30	<del>(6) Department of Education School Bus Lease/Purchase .....</del>	<del>\$ 2,810,032; and</del>
31	<del>(7) State Board for Technical and Comprehensive Education Critical Training Equipment .....</del>	<del>\$ 3,000,000.</del>

32 If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2017-18 is less than the amounts appropriated, the  
 33 projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis:

34 Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate shall be appropriated as follows:

35	<del>(1) Department of Education School Bus Lease/Purchase .....</del>	<del>\$ 3,000,000; and</del>
36	<del>(2) Department of Education School Bus Lease/Purchase .....</del>	<del>remaining balance.</del>

~~Fiscal Year 2017-18 funds appropriated to the Commission on Higher Education and the State Board for Technical and Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds.~~

~~The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.~~

~~The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.~~

~~Fiscal Year 2017-18 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2017-18 are fully funded.~~

~~If the lottery revenue received for Fiscal Year 2017-18 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro-rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.~~

~~The Commission on Higher Education is authorized to use up to \$345,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and to provide for a Scholarship Compliance Auditor.~~

~~The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.~~

~~The funds appropriated to State Board for Technical and Comprehensive Education for Workforce Pathways Scholarships and Grants shall be used to provide grants for tuition, fees, transportation, or textbook expenses to South Carolina residents enrolled in a career education program that meets all eligibility guidelines promulgated by the State Board for Technical and Comprehensive Education in consultation with the Department of Education, except that funds shall not be used for continuing education courses that do not lead to a degree or professional certificate. Grants may be awarded from the fund in an amount not exceeding ten thousand dollars or the total cost of attendance, whichever is less, for students to attend the program of their choice at a South Carolina technical school or professional certification program. By March fifteenth of the academic year provided, the State Board for Technical and Comprehensive Education shall provide a report to the Chairman of House Ways and Means Committee and the Chairman of the Senate Finance Committee containing a list of programs, amount of funding spent per program, number of students that received grants, and the grant amount per student.~~

~~Of the funds appropriated to the Commission on Higher Education for institutions of higher learning entitled "Technology Public Four Year Institutions, Two Year Institutions, and State Technical Colleges," (Technology) the commission shall allocate the realized funds on a proportional basis as follows:~~

- |   |                        |
|---|------------------------|
| <del>(1) The Citadel.....</del>                 | <del>\$ 265,119;</del> |
| <del>(2) University of Charleston.....</del>    | <del>\$ 554,488;</del> |
| <del>(3) Coastal Carolina University.....</del> | <del>\$ 494,175;</del> |

1	(4) Francis Marion University .....	\$ 252,940;
2	(5) Lander University .....	\$ 259,785;
3	(6) South Carolina State University.....	\$ 238,205;
4	(7) USC Aiken Campus.....	\$ 232,679;
5	(8) USC Upstate .....	\$ 315,898;
6	(9) USC Beaufort Campus .....	\$ 172,940;
7	(10) USC Lancaster Campus.....	\$ 129,652;
8	(11) USC Salkehatchie Campus .....	\$ 129,652;
9	(12) USC Sumter Campus.....	\$ 129,652;
10	(13) USC Union Campus .....	\$ 129,652;
11	(14) Winthrop University .....	\$334,496; and
12	(15) State Technical Colleges and State Board for	
13	Technical and Comprehensive Education .....	\$2,860,667.

14 ~~Unless otherwise provided herein, each institution shall use the amount appropriated only for technology repair and related~~  
 15 ~~technology maintenance and/or upgrades that are necessary to support an institution's educational purpose.~~

16 ~~Prior to the utilization of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes,~~  
 17 ~~the extent to which they have met this requirement.~~

18 ~~Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the~~  
 19 ~~Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of~~  
 20 ~~this provision.~~

21 ~~Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose,~~  
 22 ~~subject to certification from the Commission on Higher Education they continue to meet the requirement of this provision.~~

23 ~~Of the funds appropriated above to the State Board for Technical and Comprehensive Education for "Critical Training Equipment,"~~  
 24 ~~the State Board shall allocate the realized funds on a proportional basis as follows:~~

25	(1) Aiken Technical College.....	\$ 153,422;
26	(2) Central Carolina Technical College .....	\$ 160,719;
27	(3) Denmark Technical College.....	\$ 81,152;
28	(4) Florence Darlington Technical College.....	\$ 167,588;
29	(5) Greenville Technical College.....	\$ 262,438;
30	(6) Horry Georgetown Technical College.....	\$ 207,701;
31	(7) Midlands Technical College .....	\$ 215,503;
32	(8) Northeastern Technical College.....	\$ 125,460;
33	(9) Orangeburg Calhoun Technical College.....	\$ 324,216;
34	(10) Piedmont Technical College .....	\$ 194,843;
35	(11) Spartanburg Community College.....	\$ 168,289;
36	(12) Technical College of the Lowcountry.....	\$ 137,227;

1	(13) Tri-County Technical College .....	\$ 187,241;
2	(14) Trident Technical College.....	\$ 328,138;
3	(15) Williamsburg Technical College.....	\$ 117,874; and
4	(16) York Technical College.....	\$ 168,189.

5 Funds appropriated within this provision to the State Board for Technical and Comprehensive Education for Technology and/or  
6 Critical Training Equipment may be utilized in whole or in part for repair or replacement of Allied Health related equipment at the  
7 discretion of each individual technical college.

8 Of the funds appropriated to the Commission on Higher Education for Research University STEM Equipment, the commission  
9 shall disburse the funds to Clemson University, the University of South Carolina-Columbia, and the Medical University of South  
10 Carolina proportionally based on each institution's proportion of general fund appropriation in Part 1A of Act 284 of 2016 as  
11 compared to the general fund appropriation in that Act for the three institutions in total.

12 Of the funds appropriated to the Commission on Higher Education for Carolina Careers Cluster Grant (1:1 match), upon  
13 application by an eligible institution as defined in this paragraph, the commission shall equally disburse funds to eligible independent  
14 HBCU's domiciled in this State that were each recipients of a single competitive grant from a private sector endowment of not less  
15 than \$1,000,000 in the immediately preceding fiscal year, the proceeds of which are intended to better prepare students for  
16 employment in high paying job clusters across the State. Funds must be spent on students and/or student support services directly  
17 related to the private sector grantor's initiative and for no other purpose. Prior to disbursement, the commission shall verify that an  
18 eligible institution will provide no less than a 1 to 1 match of the funds to be disbursed.

19 Funds appropriated to the Department of Education for Reading Partners shall be allocated to Reading Partners and must be used  
20 to increase the number of reading interventions for students in low performing schools in grades K-5. The Office of Early Learning  
21 and Literacy shall specify planning criteria to be submitted by Reading Partners no later than July fifteenth of the current fiscal year.  
22 Planning criteria shall include, but is not limited to, pre and post assessment data, parental and family literacy engagement, summer  
23 learning support and building school level capacity for intervention. The department shall report to the Governor, the Chairman of  
24 the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means  
25 Committee and the Chairman of the House Education Committee by June 15, 2018 on the impact of the program.

26 Of the funds appropriated to the Commission on Higher Education for Memorial Professorship, the Commission shall disburse the  
27 funds to the State's only non profit, four year comprehensive institution of higher learning that was first established as a college in  
28 1908, provided that the college is SACS accredited and has at least forty percent or more minority enrollment. The college must  
29 utilize the funds in support for a memorial professorship(s) for the purpose of helping the college recruit and retain faculty members  
30 whose research, teaching and service uniquely contribute to the mission of the college.

31 Of the funds appropriated to the State Board for Technical and Comprehensive Education for SPICE Program, the board shall  
32 transfer the funds to Greenville Technical College, upon which the college, from the entirety of the funds allocated to it pursuant to  
33 this Act, must dedicate no less than \$250,000 annually towards the creation and/or maintenance of a "Self Paced In-Classroom  
34 Education" (SPICE) program designed to prepare eligible citizens for re-entry into the workforce through gainful employment in  
35 skilled and other professions.

1 3.4. (LEA: Student Unique Identifiers) For the current fiscal year, in order to provide longitudinal data, institutions of higher  
 2 education and technical colleges accepting lottery funds must retain the student unique identifier or SUNS number assigned to  
 3 students who attended public high schools in South Carolina. This shall not prohibit institutions of higher education or technical  
 4 colleges from using additional student identifiers.

5 **3.5. (LEA: Debit Card Transactions) DELETED**

6 3.6. (LEA: FY 2018-19 Lottery Funding) There is appropriated from the Education Lottery Account for the following education  
 7 purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed  
 8 below. These appropriations must be used to supplement and not supplant existing funds for education. For cash flow purposes,  
 9 the Executive Budget Office may facilitate limited transfers from the general deposits of the state for the exclusive purpose of ensuring  
 10 the timely distribution of scholarships and tuition assistance payments as provided below. Any use of this transfer allowance must  
 11 include full reimbursement from the Education Lottery Account to the general deposit accounts of the state prior to the close of the  
 12 fiscal year.

13 The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the  
 14 appropriations of the Education Lottery Account as provided in this section.

15 All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including  
 16 any interest earnings, which shall be used to support the appropriations contained below.

17 For Fiscal Year 2018-19, certified net lottery proceeds and investment earnings totaling \$401,000,000 for the current fiscal year  
 18 are appropriated as follows:

19	<u>(1) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59 .....</u>	<u>\$ 230,056,162;</u>
20	<u>(2) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 .....</u>	<u>\$ 15,563,241;</u>
21	<u>(3) Commission on Higher Education--Palmetto Fellows Scholarships as provided in</u>	
22	<u>Section 59-104-20 .....</u>	<u>\$ 55,362,716;</u>
23	<u>(4) Commission on Higher Education and State Board for Technical and Comprehensive</u>	
24	<u>Education--Tuition Assistance .....</u>	<u>\$ 51,100,000;</u>
25	<u>(5) Commission on Higher Education--Need-Based Grants .....</u>	<u>\$ 27,000,000;</u>
26	<u>(6) Higher Education Tuition Grants Commission--Tuition Grants .....</u>	<u>\$ 10,000,000;</u>
27	<u>(7) Department of Education--School Bus Lease/Purchase .....</u>	<u>\$ 1,244,492;</u>
28	<u>(8) Commission on Higher Education--SREB Program and Assessments .....</u>	<u>\$ 290,396;</u>
29	<u>(9) Commission on Higher Education--Technology-Public Four-Year Institutions, Two-Year</u>	
30	<u>Institutions, and State Technical Colleges as provided in Section 59-150-356.....</u>	<u>\$ 7,000,000;</u>
31	<u>(10) South Carolina State University .....</u>	<u>\$ 2,500,000;</u>
32	<u>(11) Commission on Higher Education--Commission Information Technology Security and</u>	
33	<u>Technology Upgrades .....</u>	<u>\$ 270,000; and</u>
34	<u>(12) Commission on Higher Education--Higher Education Excellence Enhancement Program .....</u>	<u>\$ 612,993.</u>

35 For Fiscal Year 2018-19, Fiscal Year 2017-18 certified surplus totaling \$41,000,000, plus Fiscal Year 2016-17 surplus totaling  
 36 \$4,131,526, plus vetoed lottery appropriations that were sustained in Fiscal Year 2017-18 totaling \$1,050,000 and available for



1 appropriation in the current year are appropriated as follows, except that \$8,800,000 of the total of these otherwise available funds  
 2 shall not be appropriated in the current fiscal year:

3	<u>(1) Department of Education--School Safety--Facility and Infrastructure Safety Upgrades.....</u>	<u>\$ 4,000,000;</u>
4	<u>(2) State Board for Technical and Comprehensive Education--High Demand Job Skill</u>	
5	<u>Training Equipment.....</u>	<u>\$ 9,850,000;</u>
6	<u>(3) State Board for Technical and Comprehensive Education--ReadySC Direct Training.....</u>	<u>\$ 9,432,046;</u>
7	<u>(4) Commission on Higher Education--National Guard Tuition Repayment Program as provided</u>	
8	<u>in Section 59-111-75.....</u>	<u>\$ 1,600,642;</u>
9	<u>(5) Department of Education--School Bus Lease/Purchase.....</u>	<u>\$ 3,873,838;</u>
10	<u>(6) State Board for Technical and Comprehensive Education--Workforce Pathways Funding</u>	
11	<u>(Non-Pilot Technical Colleges).....</u>	<u>\$ 3,000,000;</u>
12	<u>(7) State Board for Technical and Comprehensive Education--Palmetto Promise Scholarship Pilot.....</u>	<u>\$ 3,900,000;</u>
13	<u>(8) State Board for Technical and Comprehensive Education--Horry Georgetown Technical</u>	
14	<u>College--Diesel Mechanical Program.....</u>	<u>\$ 375,000;</u>
15	<u>(9) Commission on Higher Education--USC Union--Parity Funding (One Time).....</u>	<u>\$ 500,000;</u>
16	<u>(10) Confederate Relic Room Military Museum Commission--Renovations for Educational Exhibits.....</u>	<u>\$ 350,000; and</u>
17	<u>(11) State Board for Technical and Comprehensive Education--Spartanburg Community</u>	
18	<u>College--Cherokee Campus Equipment and Remodel.....</u>	<u>\$ 500,000.</u>

19 For Fiscal Year 2018-19, net lottery proceeds and investment earnings above the Fiscal Year 2017-18 certified surplus of  
 20 \$41,000,000 are appropriated pro-rata as follows:

21	<u>(1) Commission on Higher Education--South Carolina College of Veterinary Medicine Study.....</u>	<u>\$ 200,000;</u>
22	<u>(2) Department of Education--School Bus Lease/Purchase.....</u>	<u>\$ 1,300,000;</u>
23	<u>(3) Commission on Higher Education--Technology--Public Four-Year Institutions, Two-Year</u>	
24	<u>Institutions, and State Technical Colleges as provided in Section 59-150-356.....</u>	<u>\$ 1,000,000; and</u>
25	<u>(4) Commission on Higher Education--Need Based Grants.....</u>	<u>\$ 1,000,000.</u>

26 For Fiscal Year 2018-19, if net lottery proceeds and investment earnings above the Fiscal Year 2017-18 certified surplus of  
 27 \$41,000,000 as appropriated pro-rata above are fully realized and excess funds still remain, the excess funds are appropriated pro-  
 28 rata as follows:

29	<u>(1) Commission on Higher Education--Research University STEM Equipment.....</u>	<u>\$ 1,000,000;</u>
30	<u>(2) State Library--Aid to County Libraries.....</u>	<u>\$ 1,000,000;</u>
31	<u>(3) Commission on Higher Education--Higher Education Excellence Enhancement Program.....</u>	<u>\$ 450,000;</u>
32	<u>(4) Commission on Higher Education--Carolina Career Clusters Grant (1:1 Match).....</u>	<u>\$ 300,000;</u>
33	<u>(5) Department of Education--Reading Partners.....</u>	<u>\$ 250,000;</u>
34	<u>(6) State Board for Technical and Comprehensive Education--SPICE Program.....</u>	<u>\$ 250,000; and</u>
35	<u>(7) Commission on Higher Education--Memorial Professorship.....</u>	<u>\$ 50,000.</u>

1 Appropriations made herein from funding sources that have already been fully realized in a prior fiscal year and have been carried  
 2 forward into the current fiscal year for appropriation and/or are otherwise already available at the beginning of the current fiscal  
 3 year shall be distributed by the Executive Budget Office as soon as is practicable after the office has certified the funds' availability,  
 4 but no later than September 1 of the current fiscal year.

5 For Fiscal Year 2018-19, funds certified from unclaimed prizes totaling \$19,000,000 are appropriated as follows:

6 (1) Commission on Higher Education--Higher Education Excellence Enhancement Program .....\$ 5,459,480;

7 (2) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services.....\$ 50,000;

8 (3) Commission on Higher Education--National Guard Tuition Repayment Program as provided  
 9 in Section 59-111-75 .....\$ 1,030,488;

10 (4) School for the Deaf and the Blind--Technology.....\$ 200,000;

11 (5) Department of Education--School Bus Lease/Purchase.....\$ 2,760,032;

12 (6) Commission on Higher Education--PASCAL .....\$ 1,500,000; and

13 (7) State Board for Technical and Comprehensive Education--  
 14 Workforce Scholarship Grants.....\$ 8,000,000.

15 If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2018-19 is less than the amounts appropriated, the  
 16 projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.

17 Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate of \$19,000,000 shall be appropriated  
 18 as follows:

19 (1) Department of Education--School Bus Lease/Purchase.....\$ All remaining.

20 Fiscal Year 2018-19 funds appropriated to the Commission on Higher Education and the State Board for Technical and  
 21 Comprehensive Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided  
 22 in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher  
 23 Education shall develop the Tuition Assistance distribution of funds.

24 The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of  
 25 Excellence Matching Endowment are suspended for the current fiscal year.

26 The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to  
 27 ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance  
 28 program at such a level to support at least \$996 per student per term for full time students.

29 Fiscal Year 2018-19 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment  
 30 earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for  
 31 Fiscal Year 2018-19 are fully funded.

32 If the lottery revenue received for Fiscal Year 2018-19 is less than the amounts appropriated, the projects and programs receiving  
 33 appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be  
 34 applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

1 The Commission on Higher Education is authorized to use up to \$345,000 of the funds appropriated in this provision for LIFE,  
 2 HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and  
 3 to provide for a Scholarship Compliance Auditor.

4 The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision  
 5 for Tuition Grants to provide the necessary level of program support for the grants award process.

6 The funds appropriated to State Board for Technical and Comprehensive Education for Workforce Scholarship/Grants shall be  
 7 used to provide grants for tuition, fees, transportation, or textbook expenses to South Carolina residents enrolled in a career  
 8 education program that meets all eligibility guidelines promulgated by the State Board for Technical and Comprehensive Education  
 9 in consultation with the Department of Education, except that funds shall not be used for continuing education courses that do not  
 10 lead to a degree or professional certificate. Grants may be awarded from the fund in an amount not exceeding ten thousand dollars  
 11 or the total cost of attendance, whichever is less, for students to attend the program of their choice, including a professional  
 12 certification program, at a South Carolina public technical college. By March fifteenth of the academic year provided, the State  
 13 Board for Technical and Comprehensive Education shall provide a report to the Chairman of House Ways and Means Committee  
 14 and the Chairman of the Senate Finance Committee containing a list of programs, amount of funding spent per program, number of  
 15 students that received grants, and the grant amount per student.

16 Of the funds appropriated to the Commission on Higher Education for institutions of higher learning entitled "Technology-Public  
 17 Four Year Institutions, Two Year Institutions, and State Technical Colleges," (Technology) the commission shall allocate the realized  
 18 funds on a proportional basis as follows:

19	<u>(1) The Citadel.....</u>	<u>\$ 267,228;</u>
20	<u>(2) University of Charleston.....</u>	<u>\$ 607,631;</u>
21	<u>(3) Coastal Carolina University.....</u>	<u>\$ 591,366;</u>
22	<u>(4) Francis Marion University.....</u>	<u>\$ 260,984;</u>
23	<u>(5) Lander University.....</u>	<u>\$ 224,174;</u>
24	<u>(6) South Carolina State University.....</u>	<u>\$ 224,476;</u>
25	<u>(7) USC - Aiken Campus.....</u>	<u>\$ 243,662;</u>
26	<u>(8) USC - Upstate.....</u>	<u>\$ 330,928;</u>
27	<u>(9) USC - Beaufort Campus.....</u>	<u>\$ 183,437;</u>
28	<u>(10) USC - Lancaster Campus.....</u>	<u>\$ 145,010;</u>
29	<u>(11) USC - Salkehatchie Campus.....</u>	<u>\$ 145,010;</u>
30	<u>(12) USC - Sumter Campus.....</u>	<u>\$ 145,010;</u>
31	<u>(13) USC - Union Campus.....</u>	<u>\$ 145,010;</u>
32	<u>(14) Winthrop University.....</u>	<u>\$ 362,400; and</u>
33	<u>(15) State Technical Colleges and State Board for</u>	
34	<u>Technical and Comprehensive Education.....</u>	<u>\$ 4,123,674.</u>

35 Each institution shall use the amount appropriated only for technology repair and related technology maintenance and/or  
 36 upgrades that are necessary to support an institution's educational purpose.

1 Prior to the utilization of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes,  
2 the extent to which they have met this requirement.

3 Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the  
4 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization  
5 of this provision.

6 Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose,  
7 subject to certification from the Commission on Higher Education they continue to meet the requirement of this provision.

8 Funds appropriated within this provision to the State Board for Technical and Comprehensive Education for High Demand Job  
9 Skill Training Equipment shall be distributed to each public technical college based on a formula to be developed by the State  
10 Board's system office.

11 Of the funds appropriated to the Commission on Higher Education entitled "South Carolina College of Veterinary Medicine  
12 Study", the Commission shall expend no more than \$200,000 to facilitate and/or procure a study regarding the costs and benefits to  
13 the State and its residents of establishing a South Carolina College of Veterinary Medicine at, or to be affiliated with, South Carolina  
14 State University and/or the University's Public Service Activities Division, or a combination of both. The Commission shall study,  
15 or cause to be studied, issues related to the demand of South Carolina students for access to Veterinary medicine education versus  
16 the supply, or lack thereof, at colleges outside of South Carolina, as well as other matters related to access and affordability for  
17 South Carolina resident students interested in pursuing an education in Veterinary medicine, and the income potential versus expense  
18 requirements, including operational and facility and other capital costs, of establishing a South Carolina College of Veterinary  
19 Medicine at South Carolina State University. The Commission shall seek, or cause to be sought, input and assistance from, at  
20 minimum, South Carolina State University, the Southeastern Regional Education Board, the American Veterinary Medical  
21 Association Council on Education, the South Carolina Department of Labor, Licensing and Regulation, and any other state agency  
22 of government, including other state institutions of higher learning as the Commission deems appropriate. Any state agency or  
23 institution the Commission requests for assistance with this study shall cooperate with the Commission in fulfilling its obligations as  
24 required under this provision. The Commission shall report its findings to the Governor, the Chairmen of the House Education and  
25 Public Works Committee, the House Ways and Means Committee, the Senate Education Committee and the Senate Finance  
26 Committee on or before March fifteenth of the current fiscal year. Funds not expended by the Commission for this purpose shall  
27 accrue to the Commission's account for provision of Need Based Grants.

28 Of the funds appropriated to the Commission on Higher Education for Research University STEM Equipment, the commission  
29 shall disburse the funds to Clemson University, the University of South Carolina-Columbia, and the Medical University of South  
30 Carolina proportionally based on each institution's proportion of general fund appropriation in Part 1A of Act 97 of 2017 as  
31 compared to the general fund appropriation in that Act for the three institutions in total.

32 Of the funds appropriated to the Commission on Higher Education for Carolina Careers Cluster Grant (1:1 match), upon  
33 application by an eligible institution as defined in this paragraph, the commission shall disburse \$200,000 to Voorhees College and  
34 \$50,000 each to Benedict College and Claflin University provided that each were recipients of a single competitive grant from a  
35 private sector endowment of not less than \$1,000,000 within the immediately two preceding fiscal years, the proceeds of which are  
36 intended to better prepare students for employment in high paying job clusters across the State. Funds must be spent on students

1 and/or student support services directly related to the private sector grantor's initiative and for no other purpose. Prior to  
2 disbursement, the commission shall verify that an eligible institution will provide no less than a 1 to 1 match of the funds to be  
3 disbursed.

4 Funds appropriated to the Department of Education for Reading Partners shall be allocated to Reading Partners and must be  
5 used to increase the number of reading interventions for students in low performing schools in grades K-5. The Office of Early  
6 Learning and Literacy shall specify planning criteria to be submitted by Reading Partners no later than July 15 of the current fiscal  
7 year. Planning criteria shall include, but is not limited to, pre and post assessment data, parental and family literacy engagement,  
8 summer learning support and building school level capacity for intervention. The department shall report to the Governor, the  
9 Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways  
10 and Means Committee and the Chairman of the House Education Committee by June 15, 2019 on the impact of the program.

11 Of the funds appropriated to the Commission on Higher Education for Memorial Professorship, the Commission shall disburse  
12 the funds to the State's only non-profit, four-year comprehensive institution of higher learning that was first established as a college  
13 in 1908, provided that the college is SACS accredited and has at least forty percent or more minority enrollment. The college must  
14 utilize the funds in support for a memorial professorship(s) for the purpose of helping the college recruit and retain faculty members  
15 whose research, teaching and service uniquely contribute to the mission of the college.

16 Of the funds appropriated to the State Board for Technical and Comprehensive Education for SPICE Program, the board shall  
17 transfer the funds to Greenville Technical College, upon which the college, from the entirety of the funds allocated to it pursuant to  
18 this Act, must dedicate no less than \$250,000 annually towards the creation and/or maintenance of a "Self-Paced In-Classroom  
19 Education" (SPICE) program designed to prepare eligible citizens for re-entry into the workforce through gainful employment in  
20 skilled and other professions.

21 Of the funds appropriated to the State Board for Technical and Comprehensive Education for Workforce Pathways Funding (Non-  
22 Pilot Technical Colleges), the board shall distribute the funds to eligible public technical colleges based on the same formula  
23 developed by the board pursuant to the second paragraph of Part 1B, Section 25.7 of this Act, provided that no eligible public  
24 technical college receives an allocation greater than \$300,000 pursuant to this provision. For purposes of this provision, eligible  
25 public technical colleges are limited to colleges that do not receive a special allocation pursuant to the first paragraph of Part 1B,  
26 Section 25.7 of this Act.

27 Of the funds appropriated to the Department of Education for School Safety - Facility and Infrastructure Safety Upgrades, the  
28 department shall allocate the funds to school districts for the purpose of funding life safety infrastructure for school facilities projects.  
29 For the purpose of this provision, "school facilities" means only facilities necessary for instructional and related supporting purposes  
30 including, but not limited to, classrooms, libraries, media centers, laboratories, cafeterias, physical education spaces, related  
31 interior and exterior facilities. Eligible school facility projects shall include, but not necessarily be limited to items such as: (a) door  
32 locks, (b) security cameras, and (c) metal detectors. For purposes of this provision, school facilities shall not include unimproved  
33 real property, centralized district administration facilities, or other facilities, including those normally identified with interscholastic  
34 sports activities.

35 The department shall develop and maintain an application process for school districts to request funding for qualified school  
36 projects and establish policies, procedures, and priorities for the making of grants pursuant to this provision. In establishing these

1 procedures, the department shall utilize the school facilities report among other sources. At least twice a year and upon receipt of  
2 applications pursuant to the application process adopted by the department, the department shall prioritize the eligible projects with  
3 the greatest need and shall submit a list of recommended grant awards to the State Board of Education. Grants shall be awarded  
4 upon an affirmative vote of the State Board.

5 The financial assistance provided to school districts pursuant to this provision must be used for the eligible school facility project.  
6 The department is responsible for establishing policies and procedures to ensure that funds are expended in a manner consistent  
7 with this provision.

8 Following the close of the fiscal year, the department shall submit an annual report of its activities for the preceding year to the  
9 Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

10 Of the funds appropriated to the State Board for Technical and Comprehensive Education for the Palmetto Promise Scholarship  
11 Pilot, the board shall administer the South Carolina Promise Scholarship program for residents of the plaintiff trial districts in  
12 Abbeville County School District et al vs. South Carolina, as determined by the State Department of Education, who are seeking an  
13 associate's degree, certificate, or diploma from any eligible postsecondary institution under the following terms and conditions:

14 (1) To be eligible for the scholarship, a student must be admitted to a postsecondary institution, must be enrolled in at least  
15 six credit hours at the institution, and within six years of his application for the scholarship either must have obtained a high school  
16 diploma from an eligible high school or must have obtained a GED while residing in the attendance zone of an eligible high school.  
17 A student who previously has received a bachelor's degree is not eligible for the scholarship.

18 (2) Students applying for the scholarship shall complete the South Carolina Promise Scholarship application and the free  
19 application for federal student aid (FAFSA) for the current fiscal year.

20 (3) To continue to receive a South Carolina Promise Scholarship in the current fiscal year, a student must maintain a 2.0  
21 grade point average as determined by the policies established by the board.

22 (4) Scholarship recipients shall participate in a mentoring program pursuant to policies established by the board. Mentoring  
23 must include, but is not limited to:

24 (a) communicating frequently and consistently throughout program participation;

25 (b) developing a personalized student success plan, which must include concrete steps towards program completion and  
26 job placement and identify and make contingency plans for potential obstacles to program completion;

27 (c) connect grantees to on-campus resources and personal development opportunities; and

28 (d) financial planning.

29 (5) Subject to funds appropriated by the General Assembly, a South Carolina Promise Scholarship must cover the cost of  
30 tuition, mandatory fees, program fees, and books, up to a maximum of two thousand dollars in the fiscal year, at the eligible  
31 postsecondary institution attended less all other gift aid. Gift aid which must be credited first.

32 (6) A South Carolina Promise Scholarship is portable, meaning a student may use it toward covering the cost of any eligible  
33 postsecondary institution in the State and it transfers with a student who transfers from one such institution to another such  
34 institution.

35 (7) A South Carolina Promise Scholarship student who has an approved medical or personal leave of absence from an eligible  
36 postsecondary institution may continue to receive the scholarship upon resuming his education at an eligible postsecondary

- 1 institution so long as the student continues to meet all applicable eligibility requirements. The sum of all approved leaves of absence  
2 shall not exceed six months. A student must be eligible for the South Carolina Promise Scholarship until the occurrence of the first  
3 of the following events:
- 4 (a) the student has earned a diploma or associate degree; or  
5 (b) the student has attended an eligible postsecondary institution as a South Carolina Promise Scholarship student for  
6 two semesters if the institution is on a semester system, or its equivalent if the institution is on a system other than a semester system.  
7 This semester limit may not include an approved leave of absence.
- 8 (8) A student with a documented learning disability must be eligible for the South Carolina Promise Scholarship until the  
9 occurrence of the first of the following events:
- 10 (a) the student has earned a certificate, diploma, or associate degree; or  
11 (b) the sum of the number of years the student has attended an eligible postsecondary institution, exclusive of approved  
12 leaves of absence, equals three years from the date of his initial enrollment at an eligible postsecondary institution.
- 13 (9) Except for a medical or personal leave of absence, as approved by an eligible postsecondary institution, a South Carolina  
14 Promise Scholarship student shall maintain continuous enrollment at an eligible postsecondary institution.
- 15 By June thirtieth of the current fiscal year, the board must submit a report to the General Assembly detailing the number of  
16 scholarships awarded, the total amount of the scholarships, and the number of semester hours earned by scholarship recipients.
- 17 As used in this proviso:
- 18 (1) 'Continuous enrollment' means enrollment by a student in the fall and spring semesters of the fiscal year; except enrollment  
19 in summer semester or intersession terms is not required.
- 20 (2) 'Eligible high school' means a public secondary school, public charter school, private secondary school approved by the  
21 State Board of Education, or home school in the plaintiff trial districts in Abbeville County School District et al vs. South Carolina.
- 22 (3) 'Eligible postsecondary institution' means public technical education colleges.
- 23 (4) 'Eligible postsecondary program' means a curriculum of courses leading to a certificate, diploma, or associate degree at  
24 an eligible postsecondary institution. Courses taken at a four-year postsecondary institution prior to admission in, or that fulfill  
25 prerequisite requirements for, an eligible postsecondary program may not be considered part of the eligible postsecondary program.
- 26 (5) 'Gift aid' means financial aid received from the federal Pell grant, a tuition grant as provided in Chapter 113, Title 59, a  
27 LIFE Scholarship as provided in Chapter 149, Title 59, a lottery-funded scholarship as provided in Chapter 150, Title 59, or a  
28 combination thereof.
- 29 (6) 'Home school' means a high school in a home school created and operated in compliance with the provisions of Sections  
30 59-65-40, 59-65-45, or 59-65-47.
- 31 (7) 'Resident' means a person is considered domiciled in this State pursuant to Section 59-112-20.
- 32 (8) 'SBTCE' or 'board' means the State Board for Technical and Comprehensive Education.

1     **SECTION 5 - H710 - WIL LOU GRAY OPPORTUNITY SCHOOL**  
2

3     **5.1.** (WLG: Truants) The Opportunity School will incorporate into its program services for students, ages fifteen and over, who  
4 are deemed truant; and will cooperate with the Department of Juvenile Justice, the Family Courts, and School districts to encourage  
5 the removal of truant students to the Opportunity School when such students can be served appropriately by the Opportunity School's  
6 program.

7     **5.2.** (WLG: GED Test) Students attending school at the Wil Lou Gray Opportunity School that are sixteen years of age and are  
8 unable to remain enrolled due to the necessity of immediate employment or enrollment in post-secondary education may be eligible  
9 to take the General Education Development (GED) Test.

10    **5.3.** (WLG: Deferred Salaries Carry Forward) Wil Lou Gray is authorized to carry forward into the current fiscal year the amount  
11 of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred  
12 funds are not to be included or part of any other authorized carry forward amount.

13    **5.4.** (WLG: Improved Forestry Practices) ~~The Trustees of the Wil Lou Gray Opportunity School may carry out improved forestry  
14 practices on the timber holdings of the school property and apply the revenues derived from them and any other revenue source on  
15 the property for the further improvement and development of the school forest and other school purposes.~~

16    **5.5.** (WLG: Educational Program Initiatives) Wil Lou Gray Opportunity School is authorized to utilize funds received from the  
17 Department of Education for vocational equipment on educational program initiatives.

18    **5.6.** (WLG: Lease Revenue) Wil Lou Gray Opportunity School is authorized to retain revenues derived from the lease of school  
19 properties titled to or utilized by the school and may use revenues retained for general school operations, including, but not limited  
20 to, maintenance of such properties. Unexpended funds may be carried forward into the current fiscal year and used for the same  
21 purposes.

22    **5.7.** (WLG: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the  
23 school in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of  
24 the school.

25    **5.8.** (WLG: By-Products Revenue Carry Forward) The Wil Lou Gray Opportunity School is authorized to sell goods that are  
26 by-products of the school's programs and operations, charge user fees and fees for services to the general public, individuals,  
27 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and  
28 expended for the purpose of covering expenses of the school's programs and operations.  
29

30     **SECTION 6 - H750 - SCHOOL FOR THE DEAF AND THE BLIND**  
31

32    **6.1.** (SDB: Student Activity Fee) The School for the Deaf and the Blind is authorized to charge to the parents of students at the  
33 school a student activity fee, differentiated according to the income of the family. The required student activity fee shall not exceed  
34 \$40.00. Such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering  
35 expenses for student activities.



1       **6.2.** (SDB: Weighted Student Cost) The School for the Deaf and the Blind shall receive through the Education Finance Act the  
2 average State share of the required weighted cost for each student enrolled in the School.

3       **6.3.** (SDB: Admissions) Deaf, blind, multi-disabled and other disabled students identified by the Board of Commissioners as  
4 target groups for admission to the South Carolina School for the Deaf and the Blind may be admitted by the School either through  
5 direct application by parents or on referral from the local school district. The Board of Commissioners shall define the appropriate  
6 admissions criteria including mental capacity, degree of disability, functioning level, age, and other factors deemed necessary by the  
7 board. All placement hearings for admission to the South Carolina School for the Deaf and the Blind shall be organized by the  
8 School. The South Carolina School for the Deaf and the Blind shall obtain information from the local school district concerning the  
9 needs of the student and shall prepare an Individualized Education Plan for each student admitted. All parents applying for admission  
10 of their children must sign a statement certifying that they feel the South Carolina School for the Deaf and the Blind is the most  
11 appropriate placement which constitutes the least restrictive environment for the individual student, based upon needs identified in  
12 the placement meeting and the Individualized Education Plan. The decision concerning placement and least restrictive environment  
13 shall be reviewed annually at the IEP Conference.

14       **6.4.** (SDB: Mobility Instructor Service Fee) The School for the Deaf and the Blind is authorized to charge a fee for the services  
15 of a mobility instructor to provide service on a contractual basis to various school districts in the state, and such revenue shall be  
16 retained and carried forward into the current fiscal year and expended by the School for the purpose of covering expenses in the  
17 Blind School.

18       **6.5.** (SDB: Cafeteria Revenues) All revenues generated from cafeteria operations may be retained and expended by the institution  
19 for the purpose of covering actual expenses in cafeteria operations.

20       **6.6.** (SDB: School Buses) The school buses of the South Carolina School for the Deaf and the Blind are authorized to travel at  
21 the posted speed limit.

22       **6.7.** (SDB: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the  
23 SCSDB in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations  
24 of the school.

25       **6.8.** (SDB: By-Products Revenue Carry Forward) The School for the Deaf and the Blind is authorized to sell goods that are  
26 by-products of the school's programs and operations, charge user fees and fees for services to the general public: individuals,  
27 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and  
28 expended for the purpose of covering expenses of the school's programs and operations.

29       **6.9.** (SDB: Deferred Salaries Carry Forward) South Carolina School for the Deaf and the Blind is authorized to carry forward in  
30 the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve  
31 month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

32       **6.10.** (SDB: Sale of Property) After receiving approval from the Department of Administration or State Fiscal Accountability  
33 Authority for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the  
34 school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the State Fiscal  
35 Accountability Authority. For the current fiscal year, the school is authorized to use the retained revenue from the sale of donated  
36 property for educational and other operating purposes.

1       **6.11.** (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina  
2 School for the Deaf and the Blind, \$50,000 shall be used to fund the Master of Education Program In Visual Impairment at the  
3 University of South Carolina - Upstate.

4       **6.12.** (SDB: Educational Program Initiatives) The School for the Deaf and Blind is authorized to utilize funds received from the  
5 Department of Education for vocational equipment on educational program initiatives.

6       **6.13.** (SDB: School Leave Policy) The School for the Deaf and Blind is authorized to promulgate administrative policy  
7 governing annual and sick leave relative to faculty and staff with the approval of the School's board of directors. This policy shall  
8 address the school calendar in order to comply with the instructional needs of students attending the school.

9       **6.14.** (SDB: Buildings) For the current fiscal year; the South Carolina School for the Deaf and Blind will be subject to the same  
10 requirements as a local education agency for the purposes of building renovation and construction.

11       **6.15.** (SDB: Early Childhood Center) The School for the Deaf and the Blind shall be authorized to redirect and transfer the  
12 \$500,000 appropriated for the Thackston Hall Roof Replacement in Act 91 of 2015 by proviso 118.14(B)(5)(a) to the Early Childhood  
13 Center Construction project.

#### 14 15 SECTION 7 - L120 - JOHN DE LA HOWE SCHOOL

16  
17       **7.1.** (JDLHS: Status Offender Carry Forward) Unexpended status offender funds distributed to John de la Howe School from the  
18 Department of Education may be carried forward and used for the same purpose.

19       **7.2.** (JDLHS: Campus Private Residence Leases) John de la Howe School is authorized to lease, to its employees, private  
20 residences on the agency's campus. Funds generated may be retained and used for general operating purposes including, but not  
21 limited to, maintenance of the residences.

22       **7.3.** (JDLHS: Deferred Salaries Carried Forward) John de la Howe School is authorized to carry forward into the current fiscal  
23 year the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees.  
24 These deferred funds are not to be included or part of any other authorized carry forward amount.

25       **7.4.** (JDLHS: Transition) For Fiscal Year ~~2017-18~~ 2018-19, all financial and programmatic management and operations of the  
26 John de la Howe School shall continue to operate. The John de la Howe Board shall designate the Piedmont Technical Education  
27 Commission as its agent for fiscal affairs. In that capacity, the Piedmont Technical Education Commission must make all fiscal  
28 decisions for the school. However, the wilderness camp activities and the operation of the residential facilities shall be maintained  
29 as the primary operation of the school.

30       The ~~John de la Howe Board may~~ Piedmont Technical Education Commission must utilize funds appropriated to the John de la  
31 Howe School to perform or contract for an evaluation and report ~~focused on: (1) what agricultural educational programs can be~~  
32 ~~offered that align with the terms and purpose of the Dr. John de la Howe will; (2) what land management and operation changes are~~  
33 ~~needed in order for the property and remaining assets to support the agricultural education programming mission of the will; and (3)~~  
34 ~~what would be the projected costs of and timeframe for these changes~~ concerning the highest and best use of the property upon which  
35 the John de la Howe School is currently located.

1 ~~John de la Howe School~~ *The Piedmont Technical Education Commission* shall report to the Senate Finance Committee and to the  
2 House Ways and Means Committee by December first of the current fiscal year on its findings and recommendations.

3 7.5. (JDLH: Wilderness Camps) DELETED  
4

## 5 SECTION 8 - H670 - EDUCATIONAL TELEVISION COMMISSION 6

7 **8.1.** (ETV: Grants/Contributions Carry Forward) The Educational Television Commission shall be permitted to carry forward  
8 any funds derived from grant awards or designated contributions and any state funds necessary to match such funds, provided that  
9 these funds be expended for the programs which they were originally designated.

10 **8.2.** (ETV: Spectrum Auction) The Educational Television Commission shall be authorized to receive and retain up to  
11 \$35,000,000 of the proceeds from the Federal Communication Commission TV Auction and place them in a segregated, restricted  
12 account. These proceeds shall be used to fund capital needs, including broadcast industry standards changes, existing equipment  
13 repair, maintenance and replacement needs, and operational costs. ~~Any proceeds received above \$35,000,000 must be placed into a~~  
14 ~~segregated account and transferred to the Department of Education to be used as follows: \$5,000,000 for the Education Foundation~~  
15 ~~Supplement and any remaining proceeds for school bus purchases.~~ Unexpended funds shall be carried forward from the prior fiscal  
16 year into the current fiscal year and used for the same purpose. No later than June thirtieth of the current fiscal year, ETV must  
17 report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee the amount of  
18 money expended from the fund and the balance of the fund.

19 **8.3.** (ETV: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning  
20 campuses must conform to master plans for such property, as determined solely by the institution of higher learning.

21 **8.4.** (ETV: Wireless Communications Tower) The Educational Television Commission is directed to coordinate tower and  
22 antenna operations within South Carolina state government. The commission shall (1) approve all leases regarding antenna placement  
23 on state-owned towers and buildings, (2) coordinate all new tower construction on state-owned property, (3) promote and market  
24 excess capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess  
25 capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate  
26 state-owned property for the purpose of generating revenue pursuant to this proviso. The commission shall retain and expend such  
27 funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior fiscal year into  
28 the current fiscal year. The commission shall annually report to the Chairmen of the Senate Finance and House Ways and Means  
29 Committees by October first of each year all revenue collected and disbursed.

30 **8.5.** (ETV: Delineate Agency Funding) In order to foster increased transparency and accountability, with the funds appropriated  
31 to the Educational Television Commission, the commission is directed to work with the Executive Budget Office to delineate the  
32 agency's funding by line items in the General Appropriations Bill beginning with the Governor's budget submission in the fall of the  
33 current fiscal year. The commission and the Executive Budget office are also directed to identify any provisos that would need to be  
34 adjusted and request changes to the Governor, Chairman of House Ways and Means Committee and Chairman of the Senate Finance  
35 Committee by November 30 of the current fiscal year.

1     **SECTION 11 - H030 - COMMISSION ON HIGHER EDUCATION**  
2

3     **11.1.** (CHE: Contract for Services Program Fees) The amounts appropriated in this section for “Southern Regional Education  
4 Board Contract Programs” and “Southern Regional Education Board Dues” are to be used by the commission to pay to the Southern  
5 Regional Education Board the required contract fees for South Carolina students enrolled under the Contract for Services program  
6 of the Southern Regional Education Board, in specific degree programs in specified institutions and the Southern Regional Education  
7 Board membership dues. The funds appropriated may not be reduced to cover any budget reductions or be transferred for other  
8 purposes.

9     **11.2.** (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the  
10 African-American Loan Program, 73.7 percent shall be distributed to South Carolina State University and 26.3 percent shall be  
11 distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to  
12 the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the  
13 African-American Loan Program. Of the funds allocated according to this proviso, no more than ten percent shall be used for  
14 administrative purposes.

15     **11.3.** (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged  
16 middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of  
17 higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early  
18 Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

19     **11.4.** (CHE: EPSCoR Committee Representation) With the intent that the four-year teaching institutions receive a portion of  
20 EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of the  
21 research institutions and one representative from the four-year teaching university sector.

22     **11.5.** (CHE: SREB Funds Exempt From Budget Cut) In the calculation of any across the board cut mandated by the Executive  
23 Budget Office or General Assembly, the amount which the Commission on Higher Education is appropriated for Southern Regional  
24 Education Board (SREB) Professional Scholarship Programs and Fees, Dues and Assessments shall be excluded from the  
25 Commission on Higher Education’s base budget. Funds appropriated for SREB programs may be carried forward into the current  
26 fiscal year and expended for the same purpose by the Commission on Higher Education.

27     **11.6.** (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education  
28 under Section II. Other Agencies & Entities: Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR  
29 program under the Commission on Higher Education to improve South Carolina’s research capabilities and twenty percent will be  
30 allocated to support the management education programs of the School of Business at South Carolina State University.

31     **11.7.** (CHE: Troop-to-Teachers) Members of the Armed Forces either active-duty, retired, or separated who are admitted to and  
32 enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at  
33 participating state institutions for requisite program work.

34     **11.8.** (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of  
35 Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding  
36 of up to \$2,000 above the \$2,500 maximum. Foster youth must apply for these funds no later than May first, of the preceding year.

1 All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior  
2 to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and scholarships,  
3 then no additional need-based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher  
4 Education will track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more  
5 foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based  
6 grants funding for this additional assistance.

7 **11.9.** (CHE: Tuition Age) For the current fiscal year, the age limitation for those children of certain war veterans who may be  
8 admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended for  
9 eligible children that successfully appeal the Division of Veterans Affairs on the grounds of a serious extenuating health condition.

10 **11.10.** (CHE: LIFE and Palmetto Fellows Enhancement Stipends) In the current fiscal year before fall awards are made, to  
11 continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify that  
12 the student is meeting all requirements as stipulated by the policies established by the institution and the academic department to be  
13 enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's declared  
14 eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education. Institutions  
15 shall return funds determined to have been awarded to ineligible students.

16 **11.11.** (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the  
17 marketing of the SmartState Program.

18 **11.12.** (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than  
19 \$350,000 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher  
20 education in an established college transition program that serves students with intellectual disabilities. The Commission on Higher  
21 Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the established  
22 college transition programs. All other grants and gift aid for which these students are eligible must be applied first to the cost of  
23 attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all other grants  
24 and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission on Higher  
25 Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of  
26 these grants in assisting students with intellectual disabilities in college transition programs.

27 **11.13.** (CHE: Scholarship Awards) A student may receive a Palmetto Fellows or LIFE scholarship award during the summer, in  
28 addition to fall and spring semesters of an academic year, provided continued eligibility requirements are met as of the end of the  
29 spring semester. Students must enroll full-time, which for purposes of the summer award will require enrollment in at least twelve  
30 hours over the course of the summer. The summer is defined as the period between the end of the spring term and prior to the  
31 opening of the fall term. The total summer award per student may not exceed half of the allowable academic year award up to the  
32 cost of attendance and must be reimbursed if less than twelve hours for academic credit are not attempted by the student during  
33 summer sessions. If awarded in the summer, a student's total award during his or her enrollment may not exceed the amount that  
34 would otherwise be provided under current semester limits applied for the scholarship awards. The Commission on Higher Education  
35 may provide additional guidelines necessary to ensure uniform implementation.

1       **11.14.** (CHE: Other Funded FTE Revenue) When institutions of higher learning request additional other funded full-time  
2 equivalent positions, the Executive Budget Office shall inform the Commission on Higher Education of its decision regarding the  
3 request and whether or not sufficient revenues exist to fund the salary and fringe benefits for the positions.

4       **11.15.** (CHE: Abatements) By November first of each year, state supported institutions of higher learning must submit to the  
5 Commission on Higher Education the total number of out-of-state undergraduate students during the prior fiscal year that received  
6 abatement of rates pursuant to Section 59-112-70 of the 1976 Code as well as the total dollar amount of the abatements received.  
7 The report must include the geo-origin of the student, class of the student, comprehensive listing of all financial awards received by  
8 the student, number of semesters the student has received the abated rate, as well as the athletic status of the student. The report  
9 must also include the calculation method used to determine the abatement amount awarded to students as well as the number of  
10 students that received educational fee waivers pursuant to Section 59-101-620. The Commission on Higher Education is directed to  
11 compile the information received from the state-supported institutions of higher learning into a comprehensive report and submit  
12 such report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by  
13 January fifth each year.

14       **11.16.** (CHE: Outstanding Institutional Debt) By November first, institutions of higher learning must submit to the Chairman of  
15 the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education,  
16 or its successor entity, data on all outstanding institutional debt for their respective institution. Data shall include, but not be limited  
17 to, the amount of the initial debt, year in which the debt was incurred, the year in which the debt will be satisfied, the repayment  
18 schedule, and the purpose for which the debt was incurred.

19       **11.17.** (CHE: Longitudinal Data Reports) By December first each year, the Commission on Higher Education is directed to  
20 provide a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on  
21 tuition and required fee trends submitted to the commission by the state's public colleges and universities. The baseline of the report  
22 must be the most recent fall semester compared to the previous five fall semesters. The commission shall also provide comparable  
23 data and trends for and among SREB states for the same period of time. ~~In addition, for~~ *For* the same time periods noted above, the  
24 commission shall also calculate in the report the level of recurring base state operating funding received by each college and  
25 university as measured on an in-state student basis as well as the average of such funding provided in each SREB state. *In addition,*  
26 *for the same time periods noted above, the commission shall also provide in the report a calculation of the level of recurring and/or*  
27 *non-recurring funding provided by the state to each college and university for capital related needs, including facilities and/or*  
28 *equipment related capital funding, as measured on an in-state student basis as well as the average of such funding provided in each*  
29 *SREB state.*

30       **11.18.** (CHE: Suspend Governor's Professor of the Year Award) The requirements of Section 59-104-220 of the 1976 Code  
31 pertaining to the Governor's Professor of the Year Award shall be suspended for Fiscal Year ~~2017-18~~ *2018-19*.

32       **11.19.** (CHE: SmartState Review Board Study) ~~Of the funds appropriated to the Commission on Higher Education, on or before~~  
33 ~~December 31, 2017, the Research Centers of Excellence Review Board shall submit to the President Pro Tempore of the Senate, the~~  
34 ~~Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and~~  
35 ~~Means Committee, and the Governor, written recommendations regarding a plan to sunset the SmartState Board and how best to~~  
36 ~~transition some of its responsibilities to an appropriate entity of state government for any continuing administrative program~~

1 management, including a minimum budget necessary for administration, as well as for oversight and/or accountability responsibilities  
2 related to awards made on or before August 1, 2017, that may remain after the SmartState Board sunsets.

3 **11.20. RESERVED**

4 **11.21. (CHE: Enrollment and Financial Data Submission) Each public institution of higher education shall submit the following**  
5 **information directly into the Commission on Higher Education Management Information System (CHEMIS) by October 1, 2018:**

6 **(1) The total amount paid by each student, and amount of any deviation from the "sticker price" itemized in the following**  
7 **categories:**

8 **(A) Net tuition paid (out-of-pocket by student)**

9 **(B) Abatement received**

10 **(C) Waiver received**

11 **(D) Institutional scholarship received**

12 **(E) State grant received (i.e. lottery scholarship, need-based, etc.)**

13 **(F) Federal grant received (i.e. Pell grant, etc.)**

14 **(G) Assistantships, awards/grants to reduce cost of room and board**

15 **(H) Breakdown of all fees charged**

16 **(I) Expected family contribution (reported in FAFSA)**

17 **(2) Household income per student (if such information is collected)**

18 **(3) Pre-enrollment income (if such information is collected)**

19 **(4) Electronically upload information from Consolidated Annual Financial Reports (CAFRs), from 2013 to present**

20 **(5) Debt related items:**

21 **(A) Data and reports received from credit rating agencies;**

22 **(B) Amortization schedule for debt over the next 5 years**

23 **(6) Leases:**

24 **(A) Total number of capital lease obligations of the institution**

25 **(B) Beginning and end date of each capital lease**

26 **(C) Underlying book value of each capital lease**

27 **(D) Total Annual capital lease payments of the institution**

28 **(7) Five-Year projected increases (decreases) in:**

29 **(A) Fringe benefits, including healthcare spending**

30 **(B) Enrollments (in-state, out-of-state, undergraduates, graduates)**

31 **(C) Net tuition revenue, spending on abatements**

32 **(8) Capital Projects**

33 **Cost estimate of projects, status, anticipated end date, changes to timeline and budget, a five-year timeline for future**  
34 **projects**

1 The University of South Carolina shall report all financial information, including CAFR information, for USC-Aiken, USC-  
2 Beaufort, USC-Lancaster, USC-Salkehatchie, USC-Sumter, USC-Upstate and USC-Union separately from financial information  
3 reported for USC-Columbia.

4 11.22. (CHE: Statewide Higher Education Repair and Renovation Fund) Of the funds appropriated in this Act to the Commission  
5 on Higher Education for the “Statewide Higher Education Repair and Renovation Fund,” each public four-year university, two-  
6 year branch campus and state technical college shall use the amount appropriated only for critical facility renovation, repair and  
7 related maintenance or other critical equipment and systems repair and maintenance that are necessary for the safe and efficient  
8 operation of an institution's physical plant in its support of the institution's educational purpose. Funds shall not be used for new  
9 construction.

10 Funds shall be distributed by the commission to institutions based on a three metric formula weighted as follows: sixty-five percent  
11 based on an institution's proportion of total square footage, excluding residential square footage, as compared to the total square  
12 footage, excluding residential square footage, for all public four-year universities, two-year branch campuses and state technical  
13 colleges as reported by the commission in its 2017 statistical abstract; twenty percent based on an institution's proportion of total  
14 buildings twenty-five years old or older as compared to the total number of buildings twenty-five years old or older for all public  
15 four-year universities, two-year branch campuses and state technical colleges as reported by the commission in its 2017 statistical  
16 abstract; and fifteen percent based on an institution's average building condition score compared to the average building condition  
17 score for all public four-year universities, two-year branch campuses and state technical colleges as reported by the commission to  
18 the State Fiscal Accountability Authority and the Joint Bond Review Committee in December 2017. For this metric, the commission  
19 shall distribute funds equally between institutions where institutions with an average score of 80 or greater receive fifty-five percent;  
20 institutions with an average score of 70 to 79 receive thirty percent; and institutions with an average score of less than 70 receive  
21 fifteen percent.

22 Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the  
23 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization  
24 of this provision. The report shall also include a listing, by institution, indicating whether or not an institution has established a  
25 “Maintenance Reserve Fund” or similar account, as well as the balance of such an account as of June thirtieth of the most recently  
26 completed fiscal year, if any, and a comparison of mandatory dedicated maintenance or similar fees charged to in-state and out-of-  
27 state undergraduate students, if applicable.

28 Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purposes  
29 described herein.

## 30 31 SECTION 17 - H180 - FRANCIS MARION UNIVERSITY

32  
33 17.1. (FMU: Honors Learning Center) Funds remaining from the \$750,000 appropriated in Act No. A1 of 2001, Part II, Section  
34 I, Item (3)(e) to Francis Marion University for the Schools of Education and Business Bldg and the \$100,000 appropriated in Act 91  
35 of 2015, by proviso 118.14, Item (13) to Francis Marion University for the Business/Education School Building shall be redirected



1 to be used for the Honors Learning Center. Unexpended funds may be carried forward into the current fiscal year to be expended  
2 for the Honors Learning Center.  
3

4 **SECTION 18 - H210 - LANDER UNIVERSITY**  
5

6 **18.1.** (LU: Renovation and Repairs) Funds appropriated to Lander University for the Montessori Education Building may be  
7 used for university renovation and repairs.  
8

9 **SECTION 20 - H450 - UNIVERSITY OF SOUTH CAROLINA**  
10

11 **20.1.** (USC: Palmetto Poison Center) Of the funds appropriated or authorized herein, the University of South Carolina shall  
12 expend at least \$150,000 on the Palmetto Poison Center.

13 **20.2.** (USC: School Improvement Council) Of the funds appropriated to the University of South Carolina Columbia Campus,  
14 \$100,000 shall be used for the School Improvement Council.

15 **20.3.** (USC: Child Abuse Medical Response Program) Of the funds appropriated to the University of South Carolina School of  
16 Medicine, not less than ~~\$750,000~~ \$2,075,000 shall be expended for the Child Abuse and Neglect Medical Response Program. In  
17 addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the  
18 university may not reduce the funds for the Child Abuse and Neglect Medical Response Program greater than such stipulated  
19 percentage.  
20

21 **SECTION 23 - H510 - MEDICAL UNIVERSITY OF SOUTH CAROLINA**  
22

23 **23.1.** (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and  
24 Environmental Control's Public Health Dentistry Program, is established at the Medical University of South Carolina. The funds  
25 appropriated to the Medical University of South Carolina for the Rural Dentist Program shall be administered by the South Carolina  
26 Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid  
27 from the funds appropriated to the Rural Dentist Program and shall not exceed four percent of the appropriation. The Medical  
28 University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered  
29 to. MUSC shall be permitted to carry forward unspent general funds appropriated to the Rural Dentist program provided that these  
30 funds be expended for the program for which they were originally designated. A board is created to manage and allocate these funds  
31 to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at  
32 MUSC. The board will be composed of the following: the Dean, or his designee, of the MUSC College of Dental Medicine; three  
33 members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President, or his designee,  
34 of the South Carolina Dental Association. The Director of DHEC's Office of Primary Care; the Director or his designee of the  
35 Department of Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve as ex  
36 officio members without vote. This board shall serve without compensation.

1     **23.2.** (MUSC: Rural Access Plan) The MUSC Hospital Authority, in conjunction with the Department of Health and Human  
2 Services, shall study how to partner with existing rural hospitals to ensure that these regions maintain access to medical care.

3     **23.3.** (MUSC: Procurement Efficiency Study) ~~The Medical University of South Carolina (MUSC), the Medical University~~  
4 ~~Hospital Authority (MUHA), and Procurement Services of the State Fiscal Accountability Authority are directed to work together to~~  
5 ~~study and make recommendations regarding the opportunity, if any, to create efficiencies, cost savings, and/or economies of scale~~  
6 ~~by combining some or all of any similar operations and/or procurements of the MUSC and MUHA. Findings and recommendations~~  
7 ~~must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee~~  
8 ~~by October 1, 2017.~~

9     **23.4.** *(MUSC: Burn Unit Feasibility Study) Of the funds appropriated, the MUSC Hospital Authority is directed to conduct a*  
10 *feasibility study of the total costs of the implementation and annual operation of a fully operational adult and/or pediatric burn unit.*  
11 *The authority shall submit the study to the Chairmen of the House Ways & Means Committee, the House Medical, Military, Public*  
12 *and Municipal Affairs Committee, the Senate Finance Committee, and Senate Medical Affairs Committee by January 15, 2019.*

## 13 14 SECTION 25 - H590 - STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

15  
16     **25.1.** (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for readySC  
17 it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend the funds necessary  
18 to provide direct training for new and expanding business or industry.

19     (B) In the event projected expenditures are above the appropriation, the appropriation in this section for readySC may be  
20 appropriately adjusted, if and only if, the Executive Budget Office determines that the projected expenditures are directly related to:

21         (1) an existing technology training program where the demand for the program exceeds the program's capacity and the  
22 additional funds are to be utilized to meet the demand; or

23         (2) a new program is necessary to provide direct training for new or expanding business or industry.

24     (C) The adjustment may occur only upon approval by the Executive Budget Office. Upon the Executive Budget Office's approval  
25 of the adjustment, the Director of the Executive Budget Office must certify, in writing, that the adjustment is directly related to either  
26 subsection (B)(1) or (B)(2). The Director must immediately provide a copy of the written certification, including the amount of the  
27 adjustment, to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate  
28 Finance Committee, and the Chairman of the House Ways and Means Committee.

29     (D) Upon the Director's written certification approving an adjustment, the State Board for Technical and Comprehensive  
30 Education must submit a statement to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the  
31 Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee containing a detailed  
32 itemization of the manner in which funds initially appropriated for technology training were utilized, the specific purpose for the  
33 adjustment, and the ultimate recipient of the adjusted amount.

34     (E) The aggregate amount of all adjustments made pursuant to this section may not exceed ten million dollars.

1 (F) In the event that projected expenditures for readySC exceed the amounts appropriated and the amount of any adjustments  
2 authorized, the State Board for Technical and Comprehensive Education may request a supplemental appropriation from the General  
3 Assembly.

4 **25.2.** (TEC: Training of New & Expanding Industry Carry Forward) In addition to the funds appropriated in this section, any of  
5 the funds appropriated under this section for the prior fiscal year which are not expended during that fiscal year may be carried  
6 forward and expended for direct training of new and expanding industry in the current fiscal year.

7 **25.3.** (TEC: Training of New & Expanding Industry - Payments of Prior Year Expenditures) The State Board for Technical and  
8 Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after fiscal year  
9 closing with the concurrence of the Comptroller General.

10 **25.4.** (TEC: MSSC) ~~The funds appropriated to the State Board for Technical and Comprehensive Education for the~~  
11 ~~Manufacturing Skills Standards Council Initiative may not be used for consulting associated with the Initiative.~~

12 **25.5.** (TEC: Critical Statewide Workforce Needs) Of the funds appropriated in this act to the State Board for Technical and  
13 Comprehensive Education for E&G STEM Programs: Critical Needs Workforce Development Initiative, the State Board must  
14 allocate the funds between the colleges based on a methodology designed to best meet the state's workforce needs and demands.  
15 This methodology should be created by the State Board in consultation with the Department of Commerce and the Department of  
16 Employment and Workforce and should identify the areas with the most critical need. For this purpose, critical need shall be defined  
17 as unmet employment demand in areas or fields of Science, Technology, Engineering, Mathematics, and Manufacturing. Funds must  
18 be used by the college for STEM programs.

19 **25.6.** (TEC: Aeronautics Training Center) Funds appropriated for the S.C. Aeronautics Training Center may be carried forward  
20 from the prior fiscal year into the current fiscal year and utilized for the same purpose.

21 **25.7.** (TEC: Workforce Pathways Funding Distribution) Of the funds appropriated to the State Board for Technical and  
22 Comprehensive Education (board) for the Workforce Pathways Program, the board must first distribute \$740,000 to Tri-County  
23 Technical College and \$602,000 to Central Carolina Technical College in order for each school to maintain operations of the existing  
24 Workforce Pathways programs established pursuant to Act 286 of 2014. Of the remaining funds after accounting for the allocations  
25 noted above, the board shall separately distribute \$350,000 to Orangeburg-Calhoun Technical College for expansion of its  
26 professional truck driving certificate program for the express purpose of increasing the number of professional truck drivers in the  
27 State.

28 Any remaining funds shall be set aside in a separate and distinct account until a formula for distribution is developed by the State  
29 Board. The formula shall specify criteria for the Workforce Pathways program that each technical school must adhere to in order to  
30 receive their respective share of the set aside funding. At a minimum, each Workforce Pathways program must expand current best  
31 practices in technical career pathways for youth and unemployed or underemployed adults leading to immediate employment in high  
32 skill, high demand jobs with emphasis in STEM fields. The program shall utilize all credit and non-credit delivery systems within  
33 the technical college, include cohort training options for adults, provide dual credit for youth via college courses taught by college  
34 faculty, provide opportunities for prior learning credit for adults, include structured work-based learning or other apprenticeship  
35 training approaches, and result in industry-recognized work certifications as well as stackable postsecondary credentials. Workforce  
36 Pathways programs shall establish or build on existing collaborative design and coordination efforts with area school districts and

1 career centers and with area employers. All technical colleges receiving funding through the Workforce Pathways must provide  
2 comprehensive evaluation and reporting mechanisms that include long-range tracking of individual and economic impacts as well as  
3 return-on-investment analyses.

4 The State Board shall report the formula for distribution and required criteria to the Chairman of the Senate Finance Committee  
5 and the Chairman of the House Ways and Means Committee by August 31, ~~2017~~ 2018.

6 **25.8.** (TEC: Northeastern Technical College) ~~Unexpended funds appropriated to the State Board for Technical and~~  
7 ~~Comprehensive Education for Northeastern Technical College Industrial Training Center in Act 93 of 2015, Section 1, item number~~  
8 ~~19, shall be eligible for expenditure in the current fiscal year for an alternate facility and/or location provided that the facility's use~~  
9 ~~and purpose is similar and is demonstrably more cost effective than originally conceived.~~

10 **25.9.** *(TEC: York Tech Fund Repurpose) The \$900,000 appropriated in Act No. 284 of 2016, by proviso 118.16, Item (23)(bb)*  
11 *to the State Board for Technical and Comprehensive Education for the York Technical College Health and Human Service Building*  
12 *and the \$5,600,000 appropriated in Act 25 of 2016, Section 1, Item (37) to the State Board for Technical and Comprehensive*  
13 *Education for the York Technical College Health and Human Service Building shall be redirected to be used for Campus Loop Road*  
14 *Completion and K-Building Renovations. Unexpended funds may be carried forward into the current fiscal year to be expended for*  
15 *Campus Loop Road Completion and K-Building Renovations.*

16 **25.10.** *(TEC: Denmark Tech) Notwithstanding any provision of law to the contrary, during the time period beginning November*  
17 *1, 2018, and ending January 1, 2019, all powers, duties, and obligations vested in the Denmark Technical College Area Commission,*  
18 *as provided in Article 8, Chapter 53, Title 59 of the 1976 Code, are devolved upon and become the powers, duties, and obligations*  
19 *of the State Board for Technical and Comprehensive Education. The state board shall consult with and receive input from the*  
20 *Denmark Technical College Area Commission. On January 2, 2019, all powers, duties, and obligations vested in the state board*  
21 *pursuant to this section shall revert back to the Denmark Technical College Area Commission.*

## 22 SECTION 26 - H790 - DEPARTMENT OF ARCHIVES AND HISTORY

23  
24  
25 **26.1.** (AH: Use of Proceeds) The proceeds of facilities rentals, gift shop operations, training sessions, sales of publications,  
26 reproductions of documents, repair of documents, research fees, handling charges, and the proceeds of sales of National Register of  
27 Historic Places certificates and plaques by the Archives Department shall be deposited in a special account in the State Treasury, and  
28 may be used by this department to cover the cost of facility operations and maintenance, gift shop inventory, additional training  
29 sessions, publication, reproduction expenses, repair expenses, and National Register of Historic Places certificates and plaques, and  
30 selected Historic Preservation Grants.

31 **26.2.** (AH: Disposal of Materials) For the current fiscal year, the Department of Archives and History, upon prior approval of  
32 the commission, may sell from its collections certain record and non-record materials, which are not eligible for public auction, in a  
33 manner most advantageous to the department.

1     **SECTION 27 - H870 - STATE LIBRARY**  
2

3     **27.1.** (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for “Aid to County Libraries” shall be  
4 allotted to each county on a per capita basis according to the official United States Census For 2010, as aid to the County Library. No  
5 county shall be allocated less than \$75,000 under this provision. To receive this aid, local library support shall not be less than the  
6 amount actually expended for library operations from local sources in the second preceding year.

7     **27.2.** (LIB: Information Service Fees) The State Library may charge a fee for costs associated with information delivery and  
8 retain such funds to offset the costs of maintaining, promoting and improving information delivery services.

9     **27.3.** (LIB: Continuing Education Fees) The State Library may charge a fee for costs associated with continuing education and  
10 retain such funds to offset the costs of providing continuing education opportunities.

11     **27.4.** (LIB: Books and Materials Disposal) The State Library may sell or otherwise dispose of books and other library materials  
12 that are deemed by the State Library as no longer of value to the State of South  
13 Carolina and the State Library’s collection. Funds received from the sale of books and materials shall be retained and expended to  
14 purchase new materials for the collection. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal  
15 year and be used for the same purpose.

16     **27.5.** (LIB: SCLENDS) The State Library may accept money for the South Carolina Library Evergreen Network Delivery  
17 System (SCLENDS), a consortium providing patrons access to more library materials. The consortium shall allow South Carolina  
18 libraries the ability to share resources and provide a forum for sharing expertise in technical areas such as systems administration  
19 and cataloging. Funds received by the State Library for SCLENDS shall be placed in a special account and shall only be utilized to  
20 pay for items related to SCLENDS. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year  
21 and be used for the same purpose.

22     **27.6.** (LIB: Donations) The State Library may accept donation funds to be used for administration, operation, and programs  
23 from any donor source. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

24     **27.7.** (LIB: Sale of Promotional Items) The State Library shall be allowed to sell promotional items with the South Carolina  
25 State Library brand and logo for the purpose of generating funds for the State Library. Unexpended funds shall be carried forward  
26 from the prior fiscal year into the current fiscal year.

27     **27.8.** (LIB: Consortium Purchasing) The State Library shall be authorized to accept funds to be used for consortium purchasing  
28 between libraries (public, academic, special) that serve South Carolina residents. Funds received by the State Library for consortium  
29 purchasing agreements shall be placed in a designated account and shall only be used to pay for items related to specific consortium  
30 purchasing agreements. These funds may be retained, expended, and carried forward from the prior fiscal year into the current fiscal  
31 year and used for the same purpose.  
32

33     **SECTION 28 - H910 - ARTS COMMISSION**  
34

35     **28.1.** (ARTS: Professional Artists Contract) Where practicable, all professional artists employed by the Arts Commission in the  
36 fields of music, theater, dance, literature, musical arts, craft, media arts and environmental arts shall be hired on a contractual basis

1 as independent contractors. Where such a contractual arrangement is not feasible employees in these fields may be unclassified,  
2 however, the approval of their salaries shall be in accord with the provisions of Section 8-11-35 of the 1976 Code.

3 **28.2.** (ARTS: Special Revolving Account) Any income derived from Arts Commission sponsored arts events or by gift,  
4 contributions, or bequest now in possession of the Arts Commission including any federal or other funds balance remaining at the  
5 end of the prior fiscal year, shall be retained by the commission and placed in a special revolving account for the commission to use  
6 solely for the purpose of supporting the programs provided herein. Any such funds shall be subject to the review procedures as set  
7 forth in Act 651 of 1978.

8 **28.3.** (ARTS: Partial Indirect Cost Waiver) The commission is allowed to apply a fifteen percent indirect cost rate for continuing  
9 federal grants for which they must compete. The commission shall apply the full approved negotiated rate to the Basic State Grant  
10 and any new grants received by the commission.

11 **28.4.** (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the  
12 statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural  
13 programs with proven research based strategies.

14 **28.5.** (ARTS: Distribution to Subdivisions) No later than December first of the current fiscal year, the Arts Commission must  
15 report to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee the amount of  
16 aid/allocations distributed to subdivisions during the most recently completed fiscal year, detailed by specific subdivisions.  
17

18 **SECTION 29 - H950 - STATE MUSEUM COMMISSION**

19  
20 **29.1.** (MUSM: Removal From Collections) The commission may remove accessioned objects from its museum collections by  
21 gift to another public or nonprofit institution, by trade with another public or nonprofit institution, by public sale, by transfer to the  
22 commission's education, exhibit, or study collections or to its operating property inventory; or as a last resort, by intentional  
23 destruction on the condition that the objects so removed meet with one or more of the following criteria: (1) they fall outside the  
24 scope of the South Carolina Museum Commission's collections as defined in the Collection Policy; (2) they are unsuitable for  
25 exhibition or research; (3) they are inferior duplicates of other objects in the collection; or (4) they are forgeries or were acquired on  
26 the basis of false information; funds from the sale of such objects will be placed in a special revolving account for the commission  
27 to use solely for the purpose of purchasing objects for the collections of the State Museum.

28 **29.2.** (MUSM: Museum Store) The Museum Commission shall establish and administer a museum store in the State Museum.  
29 This store may produce, acquire, and sell merchandise relating to historical, scientific, and cultural sources. All profits received from  
30 the sale of such merchandise shall be retained by the Museum Commission in a restricted fund to be carried forward into the following  
31 fiscal year. These funds may be used for store operations, publications, acquisitions, educational programs, exhibit production and  
32 general operating expenses provided that the expenditures for such expenses are approved by the General Assembly in the annual  
33 Appropriation Act.

34 **29.3.** (MUSM: Retention of Revenue) The Museum Commission may retain revenue received from admissions, program fees,  
35 facility rentals, professional services, donations, food service, exhibits and exhibit components, and other miscellaneous operating  
36 income generated by or for the museum and may expend such revenue for general operating expenses provided that such expenditures

1 are approved by the General Assembly in the annual Appropriation Act. Any unexpended revenue from these sources may be carried  
2 forward into the current fiscal year to be expended for the same purposes.

3 **29.4.** (MUSM: School Tour Fee Prohibition) The commission may not charge admission fees to groups of children from South  
4 Carolina who have made reservations that are touring the museum as part of a school function.

5 **29.5.** (MUSM: Dining Area Rent) Of the space currently vacant in the Columbia Mills Building, space large enough for the  
6 museum to have dining space for school-aged children shall be provided to the State Museum at no cost.

7 **29.6.** (MUSM: Remittance to General Services) The State Museum is directed to remit not less than \$1,800,000 to the  
8 Department of Administration as compensation for expenses associated with the premises it leases in the Columbia Mills Building.  
9 In the event the General Assembly or the Executive Budget Office implements a mid-year across-the-board budget reduction, the  
10 rent that the State Museum remits to the Department of Administration shall be reduced by the same percentage as the assessed  
11 budget reduction.  
12

13 **SECTION 30 - H960 - CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION**

14  
15 **30.1.** (CRR: Southern Maritime Collection) The Confederate Relic Room and Military Museum Commission, on behalf of the  
16 Hunley Commission is authorized to expend funds appropriated for such purpose to pay the outstanding note entered into to finance  
17 the purchase of the Southern Maritime Collection and the Hunley Commission will assume custody and management of the  
18 Collection for the State. The commission is authorized to use up to \$500,000 of the funds transferred for implementation of this  
19 proviso. The balance of the funds transferred may be used by the commission for costs associated with other Museum operations.  
20 The General Assembly will provide for funds in future fiscal years to cover the costs of the financing of the Southern Maritime  
21 Collection.  
22

23 **SECTION 32 - H730 - DEPARTMENT OF VOCATIONAL REHABILITATION**

24  
25 **32.1.** (VR: Production Contracts Revenue) All revenues derived from production contracts earned by people with disabilities  
26 receiving job readiness training at the agency's Work Training Centers may be retained by the State Agency of Vocational  
27 Rehabilitation and used in the facilities for Client Wages and any other production costs; and further, any excess funds derived from  
28 these production contracts may be used for other operating expenses and/or permanent improvements of these facilities.

29 **32.2.** (VR: Reallotment Funds) To maximize utilization of federal funding and prevent the loss of such funding to other states  
30 in the Basic Service Program, the State Agency of Vocational Rehabilitation be allowed to budget reallotment and other funds  
31 received in excess of original projections in following State fiscal years.

32 **32.3.** (VR: User/Service Fees) Any revenues generated from user fees or service fees charged to the general public or other  
33 parties ineligible for the department's services may be retained to offset costs associated with the related activities so as to not affect  
34 the level of service for regular agency clients.

35 **32.4.** (VR: Meal Ticket Revenue) All revenues generated from sale of meal tickets may be retained by the agency and expended  
36 for supplies to operate the agency's food service programs or cafeteria.

1       **32.5.** (VR: Basic Services Program - Educational Scholarships) For those persons with disabilities who are eligible for and are  
2 receiving services under an approved plan of the South Carolina Vocational Rehabilitation Department (consistent with the 1973  
3 Rehabilitation Act, as amended) tuition costs at state supported institutions (four year, technical, or trade schools) will not increase  
4 beyond the 1998 tuition rate, will be provided, or will be waived by the respective institution after the utilization of any other federal  
5 or state student aid for which the student is eligible. Persons eligible for this tuition reduction or sponsorship must meet all academic  
6 requirements of the particular institution and be eligible for State need-based scholarships as defined in Chapter 142, Title 59, Code  
7 of Laws of South Carolina, 1976.

8       **32.6.** (VR: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Vocational  
9 Rehabilitation is authorized to establish an interest bearing fund with the State Treasurer to deposit funds appropriated for deferred  
10 maintenance and other one-time funds from any source. After receiving any required approvals, the department is authorized to  
11 expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds  
12 may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

13       **32.7.** (VR: Licensing Requirements for Disability Examiners) For the current fiscal year, the licensing requirements for  
14 physicians employed by Disability Determination Services for evaluation of medical evidence for disability benefits claims shall be  
15 waived, provided that physicians do not perform examinations or have any contact with claimants, and only perform Disability  
16 Determination Services in order to allow the agency to expedite determinations for services provided through funding appropriated  
17 and authorized in this act.

## 18 SECTION 33 - J020 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

19  
20  
21       **33.1.** (DHHS: Recoupment/Restricted Fund) The Department of Health and Human Services shall recoup all refunds and  
22 identified program overpayments and all such overpayments shall be recouped in accordance with established collection policy.  
23 Further, the Department of Health and Human Services is authorized to maintain a restricted fund, on deposit with the State Treasurer,  
24 to be used to pay for liabilities and improvements related to enhancing accountability for future audits. The restricted fund will  
25 derive from prior year program refunds. The restricted fund shall not exceed one percent of the total appropriation authorization for  
26 the current year. Amounts in excess of one percent will be remitted to the general fund.

27       **33.2.** (DHHS: Long Term Care Facility Reimbursement Rate) The department, in calculating a reimbursement rate for long term  
28 care facility providers, shall obtain for each contract period an inflation factor, developed by the Revenue and Fiscal Affairs Office.  
29 Data obtained from Medicaid cost reporting records applicable to long term care providers will be supplied to the Revenue and Fiscal  
30 Affairs Office. A composite index, developed by the Revenue and Fiscal Affairs Office will be used to reflect the respective costs  
31 of the components of the Medicaid program expenditures in computing the maximum inflation factor to be used in long term care  
32 contractual arrangements involving reimbursement of providers. The Revenue and Fiscal Affairs Office shall update the composite  
33 index so as to have the index available for each contract renewal.

34       The department may apply the inflation factor in calculating the reimbursement rate for the new contract period from zero percent  
35 up to the inflation factor developed by the Revenue and Fiscal Affairs Office.



1       **33.3.** (DHHS: Medical Assistance Audit Program Remittance) The Department of Health and Human Services shall remit to  
2 the State Auditor's Office an amount representing fifty percent (allowable Federal Financial Participation) of the cost of the Medical  
3 Assistance Audit Program as established in the State Auditor's Office of the State Fiscal Accountability Authority, Section 105.  
4 Such amount shall also include appropriated salary adjustments and employer contributions allocable to the Medical Assistance  
5 Audit Program. Such remittance to the State Auditor's Office shall be made monthly and based on invoices as provided by the State  
6 Auditor's Office of the State Fiscal Accountability Authority.

7       **33.4.** (DHHS: Third Party Liability Collection) The Department of Health and Human Services is allowed to fund the net costs  
8 of any Third Party Liability and Drug Rebate collection efforts from the monies collected in that effort.

9       **33.5.** (DHHS: Medicaid State Plan) Where the Medicaid State Plan has been altered to cover services that previously were  
10 provided by one hundred percent state funds, or that have been requested to be added by other state agencies, the department can bill  
11 other agencies for the state share of services provided through Medicaid. In order to comply with Federal regulations regarding  
12 allowable sources of matching funds, state agencies are authorized to make appropriation transfers to the Department of Health and  
13 Human Services to be used as the state share when certified public expenditures are not allowed for those state agency Medicaid  
14 services. The department will keep a record of all services affected and submit periodic reports to the Senate Finance and House  
15 Ways and Means Committees.

16       **33.6.** (DHHS: Medically Indigent Assistance Fund) The department is authorized to expend disproportionate share funds to all  
17 eligible hospitals with the condition that all audit exceptions through the receipt and expenditures of these funds are the liability of  
18 the hospital receiving the funds.

19       **33.7.** (DHHS: Registration Fees) The department is authorized to receive and expend registration fees for educational, training,  
20 and certification programs.

21       **33.8.** (DHHS: Fraud and Abuse Collections) The Department of Health and Human Services may offset the administrative costs  
22 associated with controlling fraud and abuse.

23       **33.9.** (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is hereby  
24 authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State Plan  
25 Under Title XIX of The Social Security Act Medical Assistance Program. The governing authority of each county shall provide  
26 office space and facility service for this function as they do for DSS functions under Section 43-3-65.

27       With funds available to the department and by November first, the Director of the Department of Health and Human Services shall  
28 provide the governing authority and the legislative delegation of each county with information on the condition of space furnished  
29 for this purpose and shall specifically identify any known deficiencies with respect to the accessibility requirements of the Americans  
30 with Disabilities Act (ADA). By May first, the governing authority of any county with an identified ADA-related deficiency shall  
31 report to its legislative delegation and the Director of the Department of Health and Human Services on its progress in correcting  
32 such deficiency.

33       **33.10.** (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly  
34 during the 2002 session are suspended.

1       **33.11.** (DHHS: Program Integrity Efforts) The Department of Health and Human Services is instructed to expand its program  
2 integrity efforts by utilizing resources both within and external to the agency including, but not limited to, the ability to contract with  
3 other entities for the purpose of maximizing the department's ability to detect and eliminate provider fraud.

4       **33.12.** (DHHS: Post Payment Review) The department is directed to perform post payment reviews as permitted under Medicaid  
5 regulations to ensure compliance with the Hyde Amendment provisions as it relates to the performance of medically necessary  
6 services under the Medicaid program. The results of such reviews shall be available to the General Assembly upon request in a  
7 format that meets the requirements of the Health Insurance Accountability and Portability Act (HIPAA) and Medicaid confidentiality  
8 regulations.

9       **33.13.** (DHHS: Long Term Care Facility Reimbursement Rates) The department shall direct staff to complete and submit its  
10 Medicaid State Plan Amendment for long term care facility reimbursement rates to the Director of the Department of Health and  
11 Human Services by August first of each year. The director shall review the plan and submit to the Federal Government on or before  
12 August fifteenth of each year provided the State Appropriations Act has been enacted by that date. All additional requests for  
13 information from CMS concerning the plan shall be promptly submitted to CMS by the Department of Health and Human Services.

14       **33.14.** (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall continue  
15 a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide  
16 services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral feeding or  
17 any combination of the above. The classification plan shall recognize the skill level that these nurses caring for these Medically  
18 Fragile Children must have over and above normal home-care or school-based nurses.

19       **33.15.** (DHHS: CHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and recertify  
20 eligible children to the Children's Health Insurance Program (CHIP) and must use available state agency program data including,  
21 but not limited to, that housed in the Revenue and Fiscal Affairs Office, to include the Department of Social Services' Supplemental  
22 Nutritional Assistance Program (SNAP) and the department may use the poverty-related information from the Department of  
23 Education. Use of this data and cooperative efforts between state agencies reduces the cost of outreach and maintenance of eligibility  
24 for CHIP.

25       **33.16.** (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward and expend any  
26 General Fund balance and any cash balances from the prior fiscal year into the current fiscal year for any earmarked or restricted  
27 trust and agency, or special revenue account or subfund. The department shall submit a comprehensive reporting of all cash balances  
28 brought forward from the prior fiscal year. The report shall, at a minimum, for each account or subfund include the following: the  
29 statutory authority that allows the funds to be carried forward, the maximum authorized amount that can be carried forward, the  
30 general purpose or need for the carry forward, the specific source(s) of funding or revenue that generated the carry forward, and a  
31 detailed description of any pending obligations against the carry forward. The report must be submitted to the President Pro Tempore  
32 of the Senate, Chairman of the Senate Finance Committee, Speaker of the House of Representatives, and Chairman of the House  
33 Ways and Means Committee, within fifteen days after the Comptroller General closes the fiscal year.

34       **33.17.** (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat  
35 Medicaid provider fraud. The department shall publish on its' agency homepage by April first, of the current fiscal year, the results

1 of these efforts, the funds recovered, and information pertaining to prosecutions of such cases, including pleas agreements entered  
2 into.

3 **33.18.** (DHHS: GAPS) The requirements of Article 5, Chapter 6, Title 44 shall be suspended for the current state fiscal year.

4 **33.19.** (DHHS: Contract Authority) The Department of Health and Human Services is authorized to contract with  
5 community-based not-for-profit organizations for local projects that further the objectives of department programs. The department  
6 shall develop policies and procedures and may promulgate regulations to assure compliance with state and federal requirements  
7 associated with the funds used for the contracts and to assure fairness and accountability in the award and administration of these  
8 contracts. The department may require a match from contract recipients. The department shall report to the Chairman of the Senate  
9 Finance Committee and the Chairman of the House Ways and Means Committees on the contracts administered.

10 **33.20.** (DHHS: Medicaid Accountability and Quality Improvement Initiative) From the funds appropriated and authorized to the  
11 Department of Health and Human Services, the department is authorized to implement the following accountability and quality  
12 improvement initiatives:

13 (A) Healthy Outcomes Initiative - The Department of Health and Human Services may tie Disproportionate Share Hospital  
14 (DSH) payments to participation in the Healthy Outcomes Initiative and may expand the program as DSH funding is available.

15 (B) To improve community health, the department may explore various health outreach, education, patient wellness and  
16 incentive programs. The department may pilot health interventions targeting diabetes, smoking cessation, weight management, heart  
17 disease, and other health conditions. These programs may be expanded as their potential to improve health and lower costs are  
18 identified by the department.

19 (C) Rural Hospital DSH Payment - Medicaid-designated rural hospitals in South Carolina may be eligible to receive up to one  
20 hundred percent of costs associated with uncompensated care as part of the DSH program. Funds shall be allocated from the existing  
21 DSH program. To be eligible, rural hospitals must participate in reporting and quality guidelines published by the department and  
22 outlined in the Healthy Outcomes Initiative. In addition to the requirements placed upon them by the department, rural hospitals  
23 must actively participate with the department and any other stakeholder identified by the department, in efforts to design an alternative  
24 health care delivery system in these regions.

25 (D) Primary Care Safety Net - The department shall implement a methodology to reimburse safety net providers participating  
26 in a hospital Healthy Outcomes Initiative program to provide primary care, behavioral health services, and pharmacy services for  
27 chronically ill individuals that do not have access to affordable insurance. Qualifying safety net providers are approved, licensed,  
28 and duly organized Federally Qualified Health Centers (FQHCs and other entities receiving funding under Section 330 of the Public  
29 Health Services Act), Rural Health Clinics (RHCs), local alcohol and drug abuse authorities established by Act 301 of 1973, Free  
30 Clinics, other clinics serving the uninsured, and Welvista. The department shall formulate a methodology and allocate \$3,600,000  
31 for innovative care strategies for qualifying safety net providers. The department shall formulate a separate methodology and allocate  
32 \$5,000,000 of funding to FQHCs, at least \$1,500,000 of funding for Free Clinics, and \$1,500,000 of funding for local alcohol and  
33 drug abuse authorities created under Act 301 of 1973 *and up to \$4,000,000 for capital improvements to the Act 301 facilities through*  
34 *consultation with the Department of Alcohol and Other Drug Abuse Services, to ensure funds are provided on a needs based*  
35 *approach.* The department may continue to develop and implement a process for obtaining encounter-level data that may be used to

1 assess the cost and impact of services provided through this proviso. Any newly established Community Health Center/FQHC shall  
2 receive an amount equivalent to the average disbursement made to all centers/FQHCs.

3 (E) The department shall allocate funds to be used for obesity education for patients, reimbursement payments for providers,  
4 and continuing education for all providers through partnerships with the Department.

5 (F) To be eligible for funds in this proviso, providers must provide the department with patient, service and financial data to  
6 assist in the operation and ongoing evaluation of both the initiatives resulting from this proviso, and other price, quality, transparency  
7 and DSH accountability efforts currently underway or initiated by the department. The Revenue and Fiscal Affairs Office shall  
8 provide the department with any information required by the department in order to implement this proviso in accordance with state  
9 law and regulations.

10 (G) The department may pilot a behavioral health intervention program for wrap-around care to vulnerable mental health  
11 patients who frequent the emergency room in hotspots and underserved areas within the state. The pilot program must provide  
12 reports detailing progress on the target population and health outcomes achieved. These programs may be expanded as their potential  
13 to improve health and lower costs are identified by the department.

14 ~~(H) The department shall provide funding not to exceed \$1,500,000 to establish a pilot program to expand medication-assisted  
15 treatment (MAT) services for prescription opioid dependency and addiction, including such medical and behavioral health services  
16 necessary to support MAT interventions. The department shall consider evidence-based interventions, recommendations made in  
17 the December 2014 State Plan to Prevent and Treat Prescription Drug Abuse, and scalability in the design of the pilot program. In  
18 consultation with the Department of Alcohol and Drug Abuse Services and the MUSC Hospital Authority, the department may  
19 contract with such providers that are necessary to ensure impact in a geographical area of critical need.~~

20 ~~(I/H)~~ The department shall publish quarterly reports on the agency's website regarding the department's progress in meeting  
21 the goals established by this provision.

22 **33.21.** (DHHS: Medicaid Healthcare Initiatives Outcomes) Prior to February fifteenth of the current fiscal year, the Director of  
23 the Department of Health and Human Services shall make a presentation to the House Ways and Means Healthcare Budget  
24 Subcommittee on the outcomes of Medicaid healthcare initiatives enacted during the current fiscal year to improve the well-being of  
25 persons enrolled in the Medicaid program and receiving services from Medicaid providers.

26 **33.22.** (DHHS: Rural Health Initiative) From the funds appropriated to the Department of Health and Human Services for the  
27 Rural Health Initiative *in the current fiscal year*, the department shall partner with the following state agencies, institutions, and other  
28 key stakeholders to implement these components of a Rural Health Initiative to better meet the needs of medically underserved  
29 communities throughout the state. The department may leverage any and all available federal funds to implement this initiative.  
30 Recurring and non-recurring funding for the Rural Health Initiative may be carried forward by the department and expended for the  
31 same purpose.

32 (A) The Department of Health and Human Services shall incentivize the development of primary care access in rural and  
33 underserved areas, leverage Medicaid spending on Graduate Medical Education (GME) by implementing methodologies that support  
34 recommendations contained in the January 2014 report of the South Carolina GME Advisory Group, and continue to leverage the  
35 use of teaching hospitals to ensure rural physician coverage in counties with a demonstrated lack of adequate access and coverage  
36 through the following provisions:

1 (1) Rural and Underserved Area Provider Capacity - the department shall partner with the University of South Carolina  
2 School of Medicine to develop a statewide Rural Health Initiative to identify strategies for significantly improving health care access,  
3 supporting physicians, and reducing health inequities in rural communities. In addition, the department shall also contract with the  
4 MUSC Hospital Authority in the amount of \$1,000,000, and the USC School of Medicine in the amount of \$2,000,000 to further  
5 develop statewide teaching partnerships.

6 (2) Rural Healthcare Coverage and Education - The USC School of Medicine, in consultation with the South Carolina  
7 Office of Rural Health, shall continue to operate a Center of Excellence to support and develop rural medical education and delivery  
8 infrastructure with a statewide focus, through clinical practice, training, and research, as well as collaboration with other state  
9 agencies and institutions. The center's activities must be centered on efforts to improve access to care and expand healthcare provider  
10 capacity in rural communities. The department shall authorize at least \$1,000,000 to support center staffing as well as the programs  
11 and collaborations delivering rural health research, the ICARED program, workforce development scholarships and recruitment,  
12 rural fellowships, health education development, and/or rural practice support and education. Funding released by the department  
13 pursuant to this section must not be used by the recipient(s) to supplant existing resources already used for the same or comparable  
14 purposes. No later than February first of the current fiscal year, the USC School of Medicine shall report to the Chairman of the  
15 House Ways and Means Committee, the Chairman of the Senate Finance Committee, and the Director of the Department of Health  
16 and Human Services on the specific uses of funds budgeted and/or expended pursuant to this provision.

17 (3) Rural Medicine Workforce Development - The department, in consultation with the Medical Education Advisory  
18 Committee (MEAC), shall support the development of additional residency and/or fellowship slots or programs in rural medicine,  
19 family medicine, and any other appropriate primary care specialties that have been identified by the department as not being  
20 adequately served by existing Graduate Medical Education programs. The department shall ensure that each in-state member of the  
21 Association of American Medical Colleges is afforded the opportunity to participate in MEAC. New training sites and/or residency  
22 positions are subject to approval as specified by the Accreditation Council for Graduate Medical Education (ACGME). The  
23 department may also accept proposals and award grants for programs designed to expose resident physicians to rural practice and  
24 enhance the opportunity to recruit these residents for long-term practice in these rural and/or underserved communities. Up to  
25 \$500,000 of the recurring funds appropriated to the department for the Rural Health Initiative may be used for this purpose.

26 (4) Statewide Health Innovations - At least \$2,000,000 must be expended by the department to contract with the USC  
27 School of Medicine and at least \$1,000,000 to the MUSC Hospital Authority Clemson University to develop and continue innovative  
28 healthcare delivery and training opportunities through collaborative community engagement via ICARED, Clemson Cooperative  
29 Extension, and other innovative programs that provide clinical services, mental and behavioral health services, children's health,  
30 OB/GYN services, and/or chronic disease coverage gaps. In consultation with the Office of Rural Health, the department must  
31 ensure collaborative efforts with the greatest potential for impact are prioritized.

32 (B) The department shall continue to investigate the potential use of DSH and/or any other allowable and appropriate source  
33 of funds in order to improve access to emergency medical services in one or more communities identified by the department in which  
34 such access has been degraded due to a hospital's closure during the past five years.

35 (1) In the current fiscal year, the department is authorized to establish a DSH pool, or carry forward DSH capacity from  
36 a previous period as federally permissible, for this purpose and/or if deemed necessary to implement transformation plans for which

1 conforming applications were filed with the department pursuant to this or a previous hospital transformation or rural health initiative  
2 proviso, but for which additional negotiations or development were required. An emergency department that is established within  
3 35 miles of its sponsoring hospital pursuant to this or a previous hospital transformation or rural health initiative proviso and which  
4 receives dedicated funding pursuant to this proviso shall be exempt from any Department of Health and Environmental Control  
5 Certificate of Need requirements or regulations. Any such facility shall participate in the South Carolina Telemedicine Network.

6 (2) The department may solicit proposals from and provide financial support for capital expenditures associated with the  
7 consolidation of two or more rural hospitals, not to exceed one-quarter of the total capital budget for the consolidation. Such a  
8 consolidation plan must be submitted by a hospital system approved to advise a rural transformation project, and the consolidation  
9 must be subject to ongoing advisement by the submitting facility. At least one of the facilities subject to consolidation must be  
10 designated as a critical access hospital in a county experiencing not less than four percent decrease in population between the most  
11 recent decennial censuses and have been deemed eligible to participate in the rural transformation pool in a prior fiscal year. The  
12 department shall require such written agreements which may require project milestone, last-dollar funding, and other stipulations  
13 deemed necessary and prudent by the department to ensure proper use of the funds.

14 (C) The Revenue and Fiscal Affairs Office and the Area Health Education Consortium's Office of Healthcare Workforce  
15 Analysis and Planning shall provide the department with any information required by the department in order to implement this  
16 proviso in accordance with state law and regulations.

17 **33.23.** (DHHS: BabyNet Compliance) With the funds available to the department, the Department of Health and Human Services  
18 shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means  
19 Committee no later than December 31, ~~2017~~ 2018 on the status of the department's efforts to bring the BabyNet program into  
20 compliance with federal requirements. This report must specifically address areas in which the BabyNet program has received low  
21 performance scores and include any relevant correspondence from the U.S. Department of Education. The report must explain the  
22 department's plan for bringing BabyNet into compliance, including specific steps and the associated timeline.

23 **33.24.** RESERVED  
24

## 25 SECTION 34 - J040 - DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

26  
27 **34.1.** (DHEC: County Health Departments Funding) Out of the appropriation provided in this section for "Access to Care", the  
28 sum of \$25,000 shall be distributed to the county health departments by the commissioner, with the approval of the Board of  
29 Department of Health and Environmental Control, for the following purposes:

- 30 (1) To insure the provision of a reasonably adequate public health program in each county.  
31 (2) To provide funds to combat special health problems that may exist in certain counties.  
32 (3) To establish and maintain demonstration projects in improved public health methods in one or more counties in the  
33 promotion of better public health service throughout the State.  
34 (4) To encourage and promote local participation in financial support of the county health departments.  
35 (5) To meet emergency situations which may arise in local areas.  
36 (6) To fit funds available to amounts budgeted when small differences occur.

1 The provisions of this proviso shall not supersede or suspend the provisions of Section 13-7-30 of the 1976 Code.

2 **34.2.** (DHEC: County Health Units) General funds made available to the Department of Health and Environmental Control for  
3 the allocation to the counties of the State for operation of county health units be allotted on a basis approved by the Board of the  
4 Department of Health and Environmental Control. The amount of general funds appropriated herein for Access to Care shall be  
5 allocated on a basis such that no county budget shall receive less than the amount received in the prior fiscal year, except when  
6 instructed by the Executive Budget Office or the General Assembly to reduce funds within the department by a certain percentage,  
7 the department may unilaterally reduce the county health units up to the stipulated percentage.

8 **34.3.** (DHEC: Camp Burnt Gin) Private donations or contributions for the operation of Camp Burnt Gin shall be deposited in a  
9 restricted account. These funds may be carried forward and shall be made available as needed to fund the operation of the camp.  
10 Withdrawals from this restricted account must be in accordance with approved procedures.

11 **34.4.** (DHEC: Children's Rehabilitative Services) The Children's Rehabilitative Services shall be required to utilize any  
12 available financial resources including insurance benefits and/or governmental assistance programs, to which the child may otherwise  
13 be entitled in providing and/or arranging for medical care and related services to physically handicapped children eligible for such  
14 services, as a prerequisite to the child receiving such services.

15 **34.5.** (DHEC: Cancer/Hemophilia) Notwithstanding any other provisions of this act, the funds appropriated herein for  
16 prevention, detection and surveillance of cancer as well as providing for cancer treatment services, \$545,449 and the hemophilia  
17 assistance program, \$1,186,928 shall not be transferred to other programs within the agency and when instructed by the Executive  
18 Budget Office or the General Assembly to reduce funds within the department by a certain percentage, the department may not act  
19 unilaterally to reduce the funds for any cancer treatment program and hemophilia assistance program provided for herein greater than  
20 such stipulated percentage.

21 **34.6.** (DHEC: Local Health Departments) Counties of the state will be relieved of contribution requirements for salary, fringe  
22 benefits and travel reimbursement to local health departments. The amount of \$5,430,697 is appropriated for county health  
23 department salaries, fringe benefits and travel. These funds and other state funds appropriated for county health units may, based  
24 upon need, be utilized in either salary or travel categories. Each county shall provide all other operating expenses of the local health  
25 department in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981. In the event any  
26 county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations, exclusive of  
27 salaries and fringe benefits, a like reduction shall be made in funds appropriated for the operating expenses of the local health  
28 department.

29 **34.7.** (DHEC: Insurance Refunds) The Department of Health and Environmental Control is authorized to budget and expend  
30 monies resulting from insurance refunds for prior year operations for case services in family health.

31 **34.8.** (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for  
32 the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the  
33 purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS  
34 Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county  
35 systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the additional funds  
36 appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein and to the state EMS

1 Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health and Environmental Control  
2 shall develop criteria and guidelines and administer the system to make allocations to each region and county within the state, based  
3 on demonstrated need and local match. Funds appropriated to Emergency Medical Services shall not be transferred to other programs  
4 within the department's budget. Unexpended funds appropriated to the program may be carried forward to succeeding fiscal years  
5 and expended for administrative and operational support and for temporary and contract employees to assist with duties related to  
6 improving and upgrading the EMS system throughout the state, including training of EMS personnel and administration of grants to  
7 local EMS providers. In addition, when instructed by the Executive Budget Office or the General Assembly to reduce funds by a  
8 certain percentage, the department may not reduce the funds appropriated for EMS Regional Councils or Aid to Counties greater  
9 than such stipulated percentage.

10 **34.9.** (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, \$1,103,956 shall  
11 be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the Standards and  
12 Outcomes for Rape Crisis Centers and each center's accomplishment of a preapproved annual action plan. For the current fiscal  
13 year, the department shall not reduce these contracts below the current funding level.

14 **34.10.** (DHEC: Sickle Cell Blood Sample Analysis) \$16,000 is appropriated in Independent Living for the Sickle Cell Program  
15 for Blood Sample Analysis and shall be used by the department to analyze blood samples submitted by the four existing regional  
16 programs - Region I, Barksdale Sickle Cell Anemia Foundation in Spartanburg; Region II, Clark Sickle Cell Anemia Foundation in  
17 Columbia; Region III, Committee on Better Racial Assurance Hemoglobinopathy Program in Charleston; and the Orangeburg Area  
18 Sickle Cell Anemia Foundation.

19 **34.11.** (DHEC: Sickle Cell Programs) \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as  
20 follows:

21 (1) sixty-seven percent is to be divided equitably between the existing Community Based Sickle Cell Programs located in  
22 Spartanburg, Columbia, Orangeburg, and Charleston; and

23 (2) thirty-three percent is for the Community Based Sickle Cell Program at DHEC.

24 The funds shall be used for providing prevention programs, educational programs, testing, counseling and newborn screening.  
25 The existing Community Based Sickle Cell Programs will provide counseling for families of newborns who test positive for sickle  
26 cell trait or other similar blood traits upon referral from DHEC. The balance of the total appropriation must be used for Sickle Cell  
27 Services operated by the Independent Living program of DHEC. The funds appropriated to the community based sickle cell centers  
28 shall be reduced to reflect any percent reduction assigned to the Department of Health and Environmental Control by the Executive  
29 Budget Office; provided, however, that the department may not act unilaterally to reduce the funds for the Sickle Cell program  
30 greater than such stipulated percentage. The department shall not be required to undertake any treatment, medical management or  
31 health care follow-up for any person with sickle cell disease identified through any neonatal testing program, beyond the level of  
32 services supported by funds now or subsequently appropriated for such services. No funds appropriated for ongoing or newly  
33 established sickle cell services may be diverted to other budget categories within the DHEC budget. For the current fiscal year, the  
34 department shall not reduce these funds below the current funding level.

35 **34.12.** (DHEC: Genetic Services) The sum of \$104,086 appearing under the Independent Living program of this act shall be  
36 appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate



1 genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the program  
2 and to contract with appropriate providers of genetic services. Such services will include genetic screening, laboratory testing,  
3 counseling, and other services as may be deemed beneficial by the department, and these funds shall be divided equally among the  
4 three Regional Genetic Centers of South Carolina, composed of units from the Medical University of South Carolina, the University  
5 of South Carolina School of Medicine, and the Greenwood Genetic Center.

6 **34.13.** (DHEC: Revenue Carry Forward Authorization) The Department of Health and Environmental Control is hereby  
7 authorized to collect, expend, and carry forward revenues in the following programs: Sale of Goods (confiscated goods, arm patches,  
8 etc.), sale of meals at Camp Burnt Gin, sale of publications, brochures, Spoil Easement Areas revenue, performance bond forfeiture  
9 revenue for restoring damaged critical areas, beach renourishment appropriations, photo copies and certificate forms, including but  
10 not limited to, pet rabies vaccination certificate books, sale of listings and labels, sale of State Code and Supplements, sale of films  
11 and slides, sale of maps, sale of items to be recycled, including, but not limited to, used motor oil and batteries, sale and/or licensing  
12 of software products developed and owned by the Department, and collection of registration fees for non-DHEC employees. Any  
13 unexpended balance carried forward must be used for the same purpose.

14 **34.14.** (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of  
15 Medicaid patient days for which the Department of Health and Environmental Control is authorized to issue Medicaid nursing home  
16 permits is 4,452,015.

17 **34.15.** (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained  
18 by the department to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal application  
19 or fee to the department by the license expiration date shall result in a late fee of \$75 or twenty-five percent of the licensing fee  
20 amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal  
21 applications and/or fees by the time period specified by the department shall result in enforcement actions. The department may  
22 waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

23 **34.16.** (DHEC: Infectious Waste Contingency Fund) The Department of Health and Environmental Control is authorized to use  
24 not more than \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement the  
25 Infectious Waste Act.

26 **34.17.** (DHEC: Nursing Home Medicaid Bed Day Permit) When a Medicaid patient is transferred from a nursing home to a  
27 receiving nursing home due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day  
28 permit shall be transferred with the patient to the receiving nursing home, provided that the receiving nursing home is an enrolled  
29 Medicaid provider that already holds Medicaid patient day permits, in which case the receiving facility shall apply to permanently  
30 retain the Medicaid patient day permit within sixty days of receipt of the patient.

31 **34.18.** (DHEC: Spoil Easement Areas Revenue) The department is authorized to collect, retain and expend funds received from  
32 the sale of and/or third party use of spoil easement areas, for the purpose of meeting the State of South Carolina's responsibility for  
33 providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

34 **34.19.** (DHEC: Per Visit Rate) The SC DHEC is authorized to compensate nonpermanent, part-time employees on a fixed rate  
35 per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit  
36 reimbursement from other sources. These individuals will provide direct patient care in a home environment. The per visit rate may

1 vary based on the discipline providing the care and the geographical location of services rendered. Management may pay exempt or  
2 nonexempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Individuals employed in this  
3 category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement  
4 System.

5 **34.20.** (DHEC: Allocation of Indirect Cost and Recoveries) The department shall continue to deposit in the general fund all  
6 indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further  
7 administration cost funded with other funds used in the indirect cost calculation may, based on their percentage, be retained by the  
8 agency to support the remaining administrative costs of the agency.

9 **34.21.** (DHEC: Permitted Site Fund) The South Carolina Department of Health and Environmental Control may expend funds as  
10 necessary from the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to environmental  
11 response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.

12 **34.22.** (DHEC: Shift Increased Funds) The director is authorized to shift increased appropriated funds in this act to offset  
13 shortfalls in other critical program areas.

14 **34.23.** (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of  
15 Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain up to the  
16 first \$50,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce  
17 the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's fiscal  
18 records.

19 **34.24.** (DHEC: Health Facilities Licensing Monetary Penalties) In the course of regulating health care facilities and services, the  
20 Bureau of Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain  
21 up to the first \$100,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and  
22 enforce the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's  
23 fiscal records. Regulations for nursing home staffing for the current fiscal year must (1) provide a minimum of one and sixty-three  
24 hundredths (1.63) hours of direct care per resident per day from the non-licensed nursing staff; and (2) maintain at least one licensed  
25 nurse per shift for each staff work area. All other staffing standards and non-staffing standards established in Standards for Licensing  
26 Nursing Homes: R61-17, Code of State Regulations, must be enforced.

27 **34.25.** (DHEC: Radiological Health Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of  
28 Radiological Health (BRH) assesses civil monetary penalties against nonconforming providers. BRH shall retain up to the first  
29 \$30,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the  
30 provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the department's fiscal records.

31 **34.26.** (DHEC: Prohibit Use of Funds) The Department of Health and Environmental Control must not use any state appropriated  
32 funds to terminate a pregnancy or induce a miscarriage by chemical means.

33 **34.27.** (DHEC: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work  
34 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

35 **34.28.** (DHEC: Compensatory Payment) In the event the President of the United States has declared a state of emergency or the  
36 Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act exempt employees of the department

1 may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency Director, and providing  
2 funds are available.

3 **34.29.** (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) If state funds are made available or  
4 carried forward from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment  
5 and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach  
6 profile monitoring. Additional funds made available or carried forward for beach renourishment projects that are certified by the  
7 department as excess may be spent for beach renourishment and departmental activities that advance the policy goals contained in  
8 the State Beachfront Management Plan, R.30-21.

9 **34.30.** (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care  
10 Fund, \$2,268,885 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional  
11 fees, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for  
12 injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and  
13 input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to be  
14 developed will include a breakdown of disbursement of funds by percentage, with a proposed seventy-six and one half percent  
15 disbursed to hospitals and trauma physician fees, sixteen percent of the twenty-one percent must be disbursed to EMS providers for  
16 training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining five percent must be  
17 disbursed to EMS providers in counties with high trauma mortality rates, and two and one half percent allocated to the department  
18 for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall  
19 promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care  
20 Fund.

21 **34.31.** (DHEC: Pandemic Influenza) The Department of Health and Environmental Control shall assess South Carolina's ability  
22 to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and  
23 supplies to improve the state's readiness condition. The department shall report on preparedness measures to the Speaker of the  
24 House of Representatives, the President Pro Tempore of the Senate, and the Governor by November first, each year. The department,  
25 in conjunction with the Department of Health and Human Services, is authorized to establish a fund for the purpose of developing  
26 an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and medical  
27 supplies. In the event the United States Department of Health and Human Services makes available medicines or vaccines for  
28 purchase by states via federal contract or federally subsidized contract or other mechanism, the department, with Executive Budget  
29 Office approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these medicines for  
30 the State of South Carolina.

31 **34.32.** (DHEC: Pharmacist Services) For the current fiscal year, provisions requiring that all department facilities distributing or  
32 dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge are  
33 suspended. Each Department of Health and Environmental Control Public Health Region shall be required to have a permit to  
34 distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge without being physically  
35 present in the pharmacy. The department is authorized to designate one pharmacist-in-charge to serve more than one department  
36 facility. Only pharmacists, nurses, or physicians are allowed to dispense and provide prescription drugs/products/vaccines for

1 conditions or diseases that the department treats, monitors, or investigates. In the event of a public health emergency or upon  
2 activation of the strategic national stockpile, other medications may be dispensed as necessary.

3 **34.33.** (DHEC: Coastal Zone Appellate Panel) The Coastal Zone Appellate Panel as delineated in Section 48-39-40 of the 1976  
4 Code under the Department of Health and Environmental Control shall be suspended for the current fiscal year.

5 **34.34.** (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural  
6 areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed two hundred beds. Hospitals qualifying  
7 for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health programs, medical  
8 homes, and primary care diversion from emergency departments; (b) expanded health services, including physician recruitment and  
9 retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims processing systems; (e) to  
10 enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure compliance with State or Federal  
11 regulations.

12 **34.35.** (DHEC: Camp Burnt Gin) Notwithstanding any other provision of law, the funds appropriated to the department pursuant  
13 to Part IA, or funds from any other source, for Camp Burnt Gin must not be reduced in the event the department is required to take  
14 a budget reduction.

15 **34.36.** (DHEC: Metabolic Screening) The department may suspend any activity related to blood sample storage as outlined in  
16 Section 44-37-30 (D) and (E) of the 1976 Code, if there are insufficient state funds to support the storage requirements. In that event,  
17 the samples may be destroyed in a scientifically appropriate manner after testing. The department shall notify providers of the  
18 suspension within thirty days of its effective date.

19 **34.37.** (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials  
20 concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of  
21 a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion procedure.  
22 The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in each examination  
23 room at the doctor's office. The materials must contain only the following information:

24 "Fetal Pain Awareness

25 An unborn child who is twenty weeks old or more is fully capable of experiencing pain. Anesthesia provided to a woman for an  
26 abortion typically offers little pain prevention for the unborn child. If you choose to end your pregnancy, you have a right to have  
27 anesthesia or analgesic administered to alleviate the pain to your unborn child during the abortion."

28 (B) The materials must be easily comprehensible and must be printed in a typeface large and bold enough to be clearly legible.

29 **34.38.** (DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South  
30 Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease  
31 from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the  
32 program is to educate communities statewide about improving health and wellness through lifestyle changes.

33 The Revenue and Fiscal Affairs Office shall provide data needed by the SCHIDS program to fulfill its mission, and all state  
34 agencies and public universities involved in educating South Carolinians through public programs for the purpose of improving  
35 health and wellness shall communicate with the program in order to improve collaboration and coordination and the possible use of  
36 SCHIDS to assist in the evaluation of program outcomes.

1 Medicaid staff shall coordinate with the SCHIDS program staff to target Prevention Partnership Grant awards to those communities  
2 demonstrating a prevalence of chronic disease and/or lack of access to care.

3 **34.39.** (DHEC: Abstinence Education Contract) For the current fiscal year, funds made available to the State of South Carolina  
4 under the provisions of Title V, Section 510, may only be awarded to other entities through a competitive bidding process.

5 **34.40.** (DHEC: Immunizations) The department is authorized to utilize the funds appropriated for immunizations to hire  
6 temporary personnel to address periods of high demand for immunizations at local health departments.

7 **34.41.** (DHEC: Residential Treatment Facilities Swing Beds) For Fiscal Year 2017-18 in coordination with the South Carolina  
8 Health Plan and to improve access for acute psychiatric beds as patient populations demand, Residential Treatment Facilities (RTF)  
9 may swing up to eighteen beds per qualifying facility to accommodate patients with a diagnosis of an acute psychiatric disorder. In  
10 order to qualify to utilize swing beds a facility must meet the following criteria: the facility must currently have both licensed acute  
11 psychiatric and residential treatment facility beds, the RTF beds must meet the same licensure requirements as the existing licensed  
12 acute psychiatric beds, and any facility utilizing swing beds must keep the acute and RTF patient populations separate and distinct.  
13 The utilization of swing beds must also comply with all federal Centers for Medicare and Medicaid Services rules and regulations.

14 **34.42.** (DHEC: Tuberculosis Outbreak) (A) Upon discovery of a tuberculosis outbreak, the Department of Health and  
15 Environmental Control may expend any funds available to the agency, for the purpose of surveillance, investigation, containment,  
16 and treatment activities related thereto.

17 ~~(B) During an investigation of an index tuberculosis patient, the Department of Health and Environmental Control, through the~~  
18 ~~South Carolina Health Alert Network, must notify the patient's community that a tuberculosis contact investigation is being~~  
19 ~~conducted into the possible exposure to tuberculosis. This subsection only applies if the investigation of the patient has met all of~~  
20 ~~the following criteria:~~

21 ~~(1) abnormal chest x rays;~~

22 ~~(2) positive Acid Fast Bacilli (AFB) sputum results; and~~

23 ~~(3) first round of contact investigation completed with results of individuals testing positive outside of the index patient's~~  
24 ~~family. Upon identification of a tuberculosis outbreak, the department will conduct a comprehensive contact investigation and~~  
25 ~~implement control measures consistent with guidance from the Centers for Disease Control and Prevention. As part of the~~  
26 ~~investigation and control of the outbreak, the department will alert the appropriate healthcare providers and community members~~  
27 ~~using the most effective means available.~~

28 (C) Upon being informed of or having reason to suspect a case of tuberculosis that is capable of transmitting tubercle bacilli at a  
29 school or child care center involving a student, teacher, employee, volunteer, or an individual working at the school or child care  
30 center for an employer providing services to the school or child care center, the department immediately shall notify:

31 (1) if the case is at a school, the principal, and the Superintendent of the school district if the school is a public school; and

32 (2) if the case is at a child care center, the director of the child care center; and

33 (D) When informing the principal of a school or the director of a child care center about a known or suspected case of tuberculosis  
34 that is capable of transmitting tubercle bacilli as provided for in subsection (C), the department shall provide:

- 1 (1) an update addressing the:
- 2 (a) status of the investigation, including the steps the department is taking to identify the source and extent of the
- 3 exposure and the risks of additional exposure; and
- 4 (b) steps the school or child care center must take to assist the department in controlling the spread of the tuberculosis
- 5 infection; and
- 6 (2) information and other resources to distribute to parents and guardians that discuss how to assist the department in
- 7 identifying and managing the tuberculosis infection.
- 8 **34.43.** (DHEC: Abstinence-Until-Marriage Emerging Programs) (A) From the funds appropriated to DHEC in this act as a
- 9 Special Item and titled “Abstinence-Until Marriage Emerging Programs” the department shall award a twelve month grant for
- 10 abstinence-until-marriage emerging programs. This funding shall be awarded by the department only to nonprofit 501(c)(3) agencies
- 11 meeting all the A-H Title V, Section 510 definitions of Abstinence Education.
- 12 (B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.
- 13 (C) Applicants must provide a budget and budget narrative to the department that explains how the funds will be used.
- 14 (D) Prior to application, proposed programs/curricula must be certified by the National Abstinence Education Association
- 15 (NAEA) as meeting and being in compliance with all of the Title V, Section 510 A-H requirements for abstinence-until-marriage
- 16 education programs.
- 17 (E) The department shall determine and develop the necessary application for awards.
- 18 (F) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the South
- 19 Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the
- 20 South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.
- 21 Organizations or individuals awarded grants must provide quarterly reports on expenditures and participation to the Department
- 22 of Health and Environmental Control and the Department of Social Services within fifteen days of the end of each quarter.
- 23 (G) Grantees failing to submit reports within thirty days of the end of each quarter will be terminated.
- 24 **34.44.** (DHEC: Abstinence Until Marriage Evidence-Based Programs Funding) From the monies appropriated for the
- 25 Continuation of Teen Pregnancy Prevention, contracts must be awarded to separate private, nonprofit 501(c)(3) entities to provide
- 26 Abstinence Until Marriage teen pregnancy prevention programs and services within the State that meet all of the A-H Title V, Section
- 27 510 definitions of Abstinence Education. Contracts must be awarded utilizing a competitive approach in accordance with the South
- 28 Carolina Procurement Code. Proposed programs/curricula must be certified by the National Abstinence Education Association
- 29 (NAEA) as meeting and being in compliance with all of the Title V, Section 510 A-H requirement for abstinence-until-marriage
- 30 education programs. Applicants must provide a budget for the proposed project for which the application is being made. Monies
- 31 will be paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling
- 32 the department’s contractual agreement. The programs implemented by the entity awarded a contract pursuant to this proviso may
- 33 not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity
- 34 that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.
- 35 **34.45.** (DHEC: Wave Dissipation Device) From funds appropriated to the department for the Coastal Resource Improvement
- 36 program, the department shall permit a Wave Dissipation Device pilot program to be initiated.

1 The deployment of a qualified wave dissipation device seaward of the setback line or baseline pursuant to a study conducted by  
2 the Citadel or a research university is not construction and meets the permitting exception contained in Section 48-39-130(D)(2).  
3 Prior to deploying or expanding a qualified wave dissipation device, a person proposing to deploy or expand the device must pay the  
4 department a fee of ten cents per linear foot of the proposed deployment or expansion. The department may order the removal of all  
5 or any portion of a qualified wave dissipation device that the department determines causes material harm to the flora, fauna, physical  
6 or aesthetic resources of the area under Section 48-39-130(D)(2) of the 1976 Code.

7 A 'qualified wave dissipation device' is a device that:

- 8 (1) is placed mostly parallel to the shoreline;
- 9 (2) is designed to dissipate wave energy;
- 10 (3) is designed to minimize scouring seaward of and adjacent to the device by permitting sand to move landward and seaward  
11 through the device;
- 12 (4) the horizontal panels designed to dissipate wave energy can be deployed within one-hundred twenty hours or less and can  
13 be removed within one-hundred twenty hours or less;
- 14 (5) does not negatively impact or inhibit sea turtle nesting or other fauna;
- 15 (6) can be adjusted after initial deployment in response to fluctuations in beach elevations; and
- 16 (7) otherwise prevents down-coast erosion, protects property, and limits negative impacts to public safety and welfare, beach  
17 access, and the health of the beach dune system.

18 **34.46.** (DHEC: Birth Center Inspections) With the funds appropriated and authorized to the Department of Health and  
19 Environmental Control for this fiscal year, the department shall ensure that all licensed birth centers must register an on-call  
20 agreement and any transfer policies with the Department of Health and Environmental Control. The on-call agreement shall contain  
21 provisions which provide that the on-call physician, or another physician designated by the on-call physician, is readily available to  
22 provide medical assistance either in person or by telecommunications or other electronic means, which means the physician must be  
23 within a thirty minute drive of the birth center or hospital, must be licensed in the State of South Carolina, and have hospital admitting  
24 or consulting privileges, and shall provide consultation and advice to the birth center at all times it is serving the public. Furthermore,  
25 a birth center shall document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical  
26 and newborn services and must demonstrate this by: (A) coordinated transfer care plans, protocols, procedures, arrangements, or  
27 through collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; and (B) admitting or  
28 consulting privileges at one or more hospitals with appropriate obstetrical and newborn services by a birth center's consulting  
29 physician. The department shall require a \$25.00 registration fee upon receipt and review of the agreements containing these  
30 provisions. Acute care hospitals licensed by the department must negotiate in good faith and fair dealing effort with any birth center  
31 licensed by the department within a 50 mile radius to establish a written transfer agreement pursuant to this proviso. Birth centers  
32 registering on-call and transfer policies in accordance with this proviso shall be deemed by the department to be in compliance with  
33 Section 44-89-60(3) of the South Carolina Code and any implementing regulations for this fiscal year.

34 **34.47.** (DHEC: Abortion Clinic Certification) Prior to January 31, 2017, a facility other than a hospital that is licensed and  
35 certified by the department to perform abortions must file a report with the department that provides the number of physicians that  
36 performed an abortion at the facility between July 1, 2016 and December 31, 2016, who did not have admitting privileges at a local

1 certified hospital and staff privileges to replace on-staff physicians at the certified hospital and the percentage of these physician in  
2 relation to the overall number of physicians who performed abortions at the facility. The report must include a summation of any  
3 abortion that resulted in an outcome which required a level of aftercare that exceeds what is customarily provided by physicians in  
4 such cases in accordance with accepted medical practice and indicate whether or not the abortion was performed by a physician with  
5 admitting privileges at a local certified hospital and staff privileges to replace on-staff physicians at the certified hospital. Any  
6 summation of any abortion must not divulge any information that is privileged or required to be maintained as confidential by any  
7 provision of law. An applicable facility must remit a twenty-five dollar filing fee to the department for the report required by this  
8 provision.

9 **34.48.** (DHEC: Data Center Migration) Of the funds appropriated to the Department of Health and Environmental Control for  
10 Data Center Migration, the department must utilize the Department of Administration, Division of Technology Operations for shared  
11 services, including but not limited to, mainframe services, application hosting, servers, managed servers, storage, network services  
12 and disaster recovery services. Unexpended funds appropriated for the data center migration may be carried forward from the prior  
13 fiscal year and used for the same purpose.

14 **34.49.** (DHEC: AIDS Service Provision Program) For the current fiscal year, funds appropriated and authorized to the Department  
15 of Health and Environmental Control for clinical services and medical case management shall be used to direct the department to  
16 establish through contract a pilot program for the expansion of direct services to clients who are HIV positive. As part of the pilot  
17 program, the department shall facilitate 340b pricing for the AIDS Healthcare Foundation by utilizing Ryan White Part B federal  
18 funding to support this pilot in order to maximize the state's resources and service provision beyond its current levels. The department  
19 shall require that the AIDS Healthcare Foundation provide any reports or information required by the 340b pricing program, and  
20 shall provide proof of the contractual relationship between the department and the AIDS Healthcare Foundation to the Office of  
21 Pharmacy Affairs at HRSA.

22 **34.50.** (DHEC: EMS Monetary Penalties) In the course of regulating Emergency Medical Services (EMS) agencies and personnel,  
23 the Bureau of EMS assesses civil monetary penalties against nonconforming providers. The Bureau of EMS shall retain up to the  
24 first \$40,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce  
25 the provisions of regulations applicable to that bureau. These funds shall be separately accounted for in the department's fiscal  
26 records. The agency shall provide a report on how these funds are expended to the Governor, the Chairman of the Senate Finance  
27 Committee and the Chairman of the House Ways and Means Committee.

28 **34.51.** (DHEC: Greenwood Sewer Extension Line) Funds remaining from the \$990,000 appropriated in Act 117 of 2007, by  
29 proviso 73.12, Item 65(S) to the Department of Health and Environmental Control for the Greenwood Sewer Extension Line shall  
30 be redirected for any project on the Eagles Harbor priority list, less any outstanding expenses associated with the Greenwood Sewer  
31 Extension Line. Unexpended funds may be carried forward into the current fiscal year to be expended for the same purpose.

32 **34.52.** (DHEC: Lake Conestee Dam and Reservoir) ~~Of the funds appropriated and authorized to the Department of Health and~~  
33 ~~Environmental Control, the department shall appropriate up to \$185,000 to the Conestee Foundation, the owner of the Lake Conestee~~  
34 ~~Dam, to conduct an expert dam engineering study. The objective of this study shall be to examine alternatives for the rehabilitation~~  
35 ~~and/or replacement of the present Lake Conestee Dam. The study shall include all inspection, survey, engineering analysis, risk~~  
36 ~~calculations, sampling and environmental testing activities, and hydrologic modeling necessary to evaluate all viable alternatives,~~



1 and related construction and long term care costs and other related requirements necessary to compare the alternatives in accordance  
2 with appropriate state and federal agency requirements, and customary dam engineering requirements. The study shall identify a  
3 Final Recommended Alternative appropriate for final design and construction.

4 The contractor conducting the study on behalf of the Conestee Foundation shall be selected in a manner similar to state procurement  
5 standards. The panel selecting the contractor shall be made up of one representative of the Conestee Foundation, one representative  
6 from the Department of Health and Environmental Control, one representative appointed by the Greenville County Legislative  
7 Delegation, one representative appointed by the Greenwood County Legislative Delegation, and one representative appointed by the  
8 Laurens County Legislative Delegation. The study must meet all regulatory requirements, and the Department of Health and  
9 Environmental Control will provide review of the study and scope of work. The funding of this study does not obligate the State of  
10 South Carolina in any way to the future costs of the anticipated rehabilitation or replacement of the dam.

11 **34.53.** (DHEC: Ocean Water Quality Outfall Initiative) In the current fiscal year, funds appropriated and authorized to the  
12 Department of Health and Environmental Control in the department's Beach Renourishment Fund shall be made available as state  
13 matching funds for Horry County Ocean Water Quality Outfall Initiatives. The department is authorized to retain and carry forward  
14 these funds into the current fiscal year to be used for the same purpose. Any interest generated by the account must be credited and  
15 deposited into this account, to be used as state matching funds for either local or federal funding, and utilized for Ocean Water  
16 Quality Outfall Initiatives in Horry County.

17 **34.54.** (DHEC: Alida Street Project) The funds appropriated in Act 91 of 2015 by proviso 118.14(B)(22)(j) to the Department of  
18 Health and Environmental Control for the Indoor Aquatic and Community Center - Richland County (Requires 2:1 Match) shall be  
19 redirected to the City of Columbia to be used as match for the Alida Street project.

20 **34.55.** (DHEC: Best Chance Network/Colon Cancer Prevention) Of the funds appropriated to the department for Best Chance  
21 Network and Colon Cancer Prevention, the department shall utilize ~~\$500,000~~ \$1,000,000 for the Best Chance Network and ~~\$500,000~~  
22 \$1,000,000 as matching funds for the Colon Cancer Prevention Network.

23 **34.56.** (DHEC: Hazardous Waste Fund County Account) Funds in each county's Hazardous Waste Fund County Account must  
24 be released by the State Treasurer, upon the written request of a majority of the county's legislative delegation representing the  
25 economically depressed area of the county, and shall be used for infrastructure within the economically depressed area of that county.  
26 For purposes of this provision the definition of "infrastructure" includes, but is not limited to, improvements for water, sewer, gas,  
27 steam, electric energy, communication and other ancillary services that may be made to a building or land which are considered  
28 necessary, suitable, or useful to an eligible project that has a documented impact on economic development.

29 **34.57.** (DHEC: Water Quality Initiative) **DELETED**

30 **34.58.** (DHEC: HIV/AIDS Treatment and Prevention) *From the funds appropriated to the Department of Health and*  
31 *Environmental Control in the current fiscal year for HIV and AIDS prevention and treatment, no less than \$500,000 shall be*  
32 *authorized for the Joseph H. Neal Wellness Center and CAN Community Health Inc. to develop a partnership to provide*  
33 *comprehensive medical, psychological and educational services to all patients, regardless of their financial situation, insurance*  
34 *status, or ability to pay. The department shall ensure the funds are expended solely for testing and treatment services. Funds may*  
35 *be used to enhance the services provided through any allocation of federal funds or the state's AIDS Drug Assistance Program rebate*  
36 *funds.*

1     34.59. (DHEC: Ocean and Coastal Regulation) The department may not expend any funds or assets, including employees, to  
2 regulate and shall cease regulating ocean and coastal resources in Dorchester County except for inside the critical area boundary  
3 located in the seaward portion of Dorchester County bounded beginning at the intersection of the county line and S.C. 165, then  
4 northward along S.C. 165 until its intersection with S.C. 642, then southeastward along S.C. 642 until its intersection with the county  
5 line.  
6

## 7     **SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH**

8

9     **35.1.** (DMH: Patient Fee Account) The Department of Mental Health is hereby authorized to retain and expend its Patient Fee  
10 Account funds. In addition to funds collected for the maintenance and medical care for patients, Medicare funds collected by the  
11 department from patients' Medicare benefits and funds collected by the department from its veteran facilities shall be considered as  
12 patient fees. The department is authorized to expend these funds for departmental operations, for capital improvements and debt  
13 service under the provisions of Act 1276 of 1970, and for the cost of patients' Medicare Part B premiums. The department shall  
14 remit \$290,963 to the General Fund, \$400,000 to the Continuum of Care, \$50,000 to the Alliance for the Mentally Ill, and \$250,000  
15 to S.C. Share Self Help Association Regarding Emotions.

16     **35.2.** (DMH: Institution Generated Funds) The Department of Mental Health is authorized to retain and expend institution  
17 generated funds which are budgeted.

18     **35.3.** (DMH: Alzheimer's Funding) Of the funds appropriated to the Department of Mental Health for Community Mental  
19 Health Centers, \$900,000 must be used for contractual services to provide respite care and diagnostic services to those who qualify  
20 as determined by the Alzheimer's Disease and Related Disorders Association. The department must maximize, to the extent feasible,  
21 federal matching dollars. On or before September thirtieth of each year, the Alzheimer's Disease and Related Disorders Association  
22 must submit to the department, Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial  
23 statement and outcomes measures attained for the fiscal year just ended. These funds may not be expended or transferred during the  
24 current fiscal year until the required reports have been received by the department, Governor, Chairman of the Senate Finance  
25 Committee, and the Chairman of the House Ways and Means Committee. In addition, when instructed by the Executive Budget  
26 Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the  
27 Alzheimer's Disease and Related Disorders Association greater than such stipulated percentage.

28     **35.4.** (DMH: Crisis Intervention Training) Of the funds appropriated to the department, ~~\$170,500~~ \$275,000 shall be utilized for  
29 the National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

30     **35.5.** (DMH: Uncompensated Patient Medical Care) There is created an Uncompensated Patient Care Fund to be used by the  
31 department for medical costs incurred for patients. These funds may be carried forward from the prior fiscal year into the current  
32 fiscal year to be used for the same purpose.

33     **35.6.** (DMH: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work  
34 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

35     **35.7.** (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is  
36 authorized to establish an interest bearing fund with the State Treasurer to deposit funds for deferred maintenance and other one-time

1 funds from any source. The department is also authorized to retain and deposit into the fund proceeds from the sale of excess real  
2 property owned by, under the control of, or assigned to the department. After receiving any required approvals, the department is  
3 authorized to expend these funds for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance.  
4 These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same purpose.

5 **35.8.** (DMH: Lease Payments to SFAA for SVP Program) In the current fiscal year, funds appropriated and authorized to the  
6 Department of Mental Health for Lease Payments to the State Fiscal Accountability Authority for the Sexually Violent Predator  
7 Program are exempt from any across-the-board base reductions.  
8

9 **SECTION 36 - J160 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**

10  
11 **36.1.** (DDSN: Work Activity Programs) All revenues derived from production contracts earned by individuals served by the  
12 department in Work Activity Programs be retained by the South Carolina Department of Disabilities and Special Needs and carried  
13 forward as necessary into the following fiscal year to be used for other operating expenses and/or permanent improvements of these  
14 Work Activity Programs.

15 **36.2.** (DDSN: Sale of Excess Real Property) The department is authorized to retain revenues associated with the sale of excess  
16 real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or  
17 build community residences and day program facilities for the individuals DDSN serves. The department shall follow all the policies  
18 and procedures of the Department of Administration or State Fiscal Accountability Authority and the Joint Bond Review Committee.

19 **36.3.** (DDSN: Prenatal Diagnosis) Revenues not to exceed \$126,000 from client fees, credited to the debt service fund and not  
20 required to meet the department's debt service requirement, may be expended only in the current fiscal year to promote expanded  
21 prenatal diagnosis of intellectual and/or other related disabilities by the Greenwood Genetic Center.

22 **36.4.** (DDSN: Medicaid-Funded Contract Settlements) The department is authorized to carry forward and retain settlements  
23 under Medicaid-funded contracts.

24 **36.5.** (DDSN: Departmental Generated Revenue) The department is authorized to continue to expend departmental generated  
25 revenues that are authorized in the budget.

26 **36.6.** (DDSN: Transfer of Capital/Property) The department may transfer capital to include property and buildings to local DSN  
27 providers with State Fiscal Accountability Authority approval.

28 **36.7.** (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by  
29 designated unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of  
30 Disabilities and Special Needs, provided the unlicensed persons have documented successful completion of medication training and  
31 competency evaluation. Licensed nurses, licensed pharmacists and licensed medical doctors may train and supervise designated  
32 unlicensed persons to provide medications and, after reviewing competency evaluations, may approve designated unlicensed persons  
33 for the provision of medications. The provision of medications by designated unlicensed persons is limited to oral, sublingual,  
34 buccal, topical, inhalation and transdermal medications; ear drops, eye drops, nasal sprays, injections of regularly scheduled insulin  
35 and injections of prescribed anaphylactic treatments. The provision of medications by designated unlicensed persons does not include  
36 rectal and vaginal medications, sliding scale insulin or other injectable medications. A written or electronic record regarding each

1 medication provided, including time and amount administered, is required as part of the provision of medication. Provision of  
2 medication does not include judgment, evaluation or assessment by the designated unlicensed persons. The designated unlicensed  
3 persons and the nurses, pharmacists and medical doctors that train, approve, and supervise these staff shall be protected against tort  
4 liability provided their actions are within the scope of their job duties and the established medical protocol.

5 The Department of Disabilities and Special Needs shall establish curriculum and standards for training and oversight.

6 This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual and/or related  
7 disability.

8 ~~36.8. (DDSN: Pervasive Developmental Disorder) The Department of Disabilities and Special Needs, as the agency authorized  
9 to treat autistic disorder, is designated for a Medicaid project to treat children who have been diagnosed by eight years of age with a  
10 pervasive developmental disorder. The project must target the youngest ages feasible for treatment effectiveness, treatment for each  
11 individual child shall not exceed three years without a special exception as defined in the waiver, and reimbursement for each  
12 individual participant may not exceed \$50,000 per year. The Department of Disabilities and Special Needs and the Department of  
13 Health and Human Services will determine the areas of the State with the greatest need and availability of providers. Children  
14 participating in the project will be selected based upon an application system developed in compliance with the Medicaid waiver.  
15 Treatment will be provided as authorized and prescribed by the department according to the degree of the developmental disability.  
16 In authorizing and prescribing treatment the department may award grants or negotiate and contract with public or private entities to  
17 implement intervention programs, which must comply with Medicaid reimbursement methodologies, for children who have been  
18 diagnosed with a pervasive developmental disorder. "Pervasive developmental disorder" means a neurological condition, including  
19 autistic disorder and Asperger's syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental  
20 Disorders of the American Psychiatric Association. The department shall report semi-annually to the General Assembly and the  
21 Governor on the developmental progress of the children participating in the project and the fiscal status of the project, to include  
22 expenditure data and appropriation balances. This provision does not establish or authorize creation of an entitlement program or  
23 benefit.~~

24 ~~The Department of Disabilities and Special Needs and the Department of Health and Human Services shall develop a plan to  
25 transition children in the Pervasive Developmental Disorder Program (PDD) to Medicaid State Plan services in a manner that  
26 minimizes any break in service. Private insurance benefits which include Autism Spectrum Disorder services shall be sought prior  
27 to the expenditure of Medicaid or State funds for these services. For children not Medicaid eligible, the Department of Disabilities  
28 and Special Needs shall develop a sliding fee scale based on a means test for determining payment by a family for PDD services.~~

29 ~~As children transition from the waiver to the Medicaid State Plan, the Department of Disabilities and Special Needs shall  
30 permanently transfer, on a quarterly basis, all uncommitted Medicaid matching funds to the Department of Health and Human  
31 Services to be used for Applied Behavioral Analysis lead and line therapist services to ensure access to care. The Department of  
32 Disabilities and Special Needs shall provide a report to the House Ways and Means Committee and the Senate Finance Committee  
33 within thirty days after the close of the fiscal year on the amount of funds transferred to the Department of Health and Human  
34 Services.~~

35 ~~36.9. (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide reimbursement  
36 for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. The~~

1 reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year. By September fifteenth,  
2 the department must transfer \$100,000 to the Anderson County Disabilities Board for the provision of these services.

3 **36.10.** (DDSN: Debt Service Account) The department shall utilize the uncommitted dollars in their debt service account, account  
4 E164660, for operations and services that are not funded in the appropriations bill. By August first, the department must report to  
5 the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the  
6 remaining balance in this account and on the amounts and purposes for which the account was used in the prior fiscal year.

7 **36.11.** (DDSN: Traumatic Brain Injury) Funds appropriated to the agency for Traumatic Brain Injury/Spinal Cord Injury  
8 Post-Acute Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the  
9 current fiscal year, any reductions to the post-acute rehabilitation funding shall not exceed reductions in proportion to the agency as  
10 a whole.

11 **36.12.** (DDSN: Medicaid Direct Billing) The department shall facilitate Medicaid direct billing for all providers, including local  
12 disabilities and special needs boards, who choose to initiate the direct billing process regardless of the receipt of capital grant funds  
13 from the department for the specific facility involved. All entities receiving capital grant funds must use the funds as originally  
14 specified in the award. If the purpose or use of a facility constructed or purchased with departmental grant funds is altered without  
15 the department's approval, the entity must repay the department the amount of the funds awarded. The use of direct billing shall not  
16 be construed as a change in the purpose or use of a facility.

17 **36.13.** (DDSN: Carry Forward Authorization) For the current fiscal year, the department is authorized to carry forward any  
18 balance of General Funds appropriated for the reduction of the department's waiting lists in the prior fiscal year and must utilize  
19 these funds for the same purpose in the current fiscal year. Within thirty days after the close of the fiscal year, the department shall  
20 report the balance carried forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
21 Means Committee.

22 **36.14.** (DDSN: Service Providers Expenditure Requirement) For the current fiscal year, in order to accommodate service provider  
23 infrastructure needs resulting from the reductions in the department's waiting lists, service providers including local disabilities and  
24 special needs boards are authorized to carry forward from the prior fiscal year unexpended funds based on a ninety percent  
25 expenditure requirement for capitated services. Service providers shall not withhold services in order to generate funds to be carried  
26 forward. The expenditure requirement shall not affect the department's three month reserve limitation policy. If the department's  
27 Medicaid allowable costs, in the aggregate, do not meet the level of certified public expenditures (CPEs) reported to the Department  
28 of Health and Human Services, the department is allowed to recoup funds necessary to remain in compliance with federal Medicaid  
29 CPE rules.

30 **36.15.** (DDSN: Beaufort DSN Facility) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Disabilities and Special Needs is  
31 authorized to retain the full amount of proceeds from the sale of the local Disabilities and Special Needs Board of Beaufort County  
32 property. The funds retained from this sale must be used by the department to purchase a new property for the local Disabilities and  
33 Special Needs Board in Beaufort County that more appropriately meets the needs of the individuals served. Unexpended funds may  
34 be carried forward into the current fiscal year and used for the same purpose. The department must provide a status report to the  
35 Beaufort County Legislative Delegation by June 30, ~~2018~~ 2019, detailing the retention of any sale proceeds and/or the expenditures  
36 of those funds.

1     **SECTION 37 - J200 - DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES**

2

3     **37.1.** (DAODAS: Training & Conference Revenue) The department may charge fees for training events and conferences. The  
4 revenues from such events shall be retained by the department to increase education and professional development initiatives.

5     **37.2.** (DAODAS: Gambling Addiction Services) In that gambling is a serious problem in South Carolina, the department through  
6 its local county commissions may provide, from funds appropriated to the  
7 department, information, education, and referral services to persons experiencing gambling addictions.

8     **37.3.** (DAODAS: Medicaid Match Transfer) At the beginning of the fiscal year, the Department of Alcohol and Other Drug  
9 Abuse Services will transfer \$1,915,902 to the Department of Health and Human Services to meet federal Medicaid Match  
10 participation requirements for the delivery of alcohol and other drug abuse services to the Medicaid beneficiary population.

11     **37.4.** (DAODAS: Carry Forward Unexpended Funds) The Department of Alcohol and Other Drug Abuse Services is authorized  
12 to carry forward from the prior fiscal year into the current fiscal year unexpended funds in excess of ten percent of the agency's  
13 general fund appropriations to continue to fund prevention, treatment and recovery services for opioid addiction services and  
14 addiction programs as prioritized by the department.

15

16     **SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES**

17

18     **38.1.** (DSS: Fee Retention) The Department of Social Services shall recoup all refunds and identified program overpayments  
19 and all such overpayments shall be recouped in accordance with established collection policy. Funds of \$800,000 collected under  
20 the Child Support Enforcement Program (Title IV-D) which are state funds shall be remitted to the State Treasurer and credited to  
21 the General Fund of the State. All state funds above \$800,000 shall be retained by the department to fund Self-Sufficiency and  
22 Family Preservation and Support initiatives.

23     **38.2.** (DSS: Recovered State Funds) The department shall withhold a portion of the State Funds recovered, under the Title IV-D  
24 Program, for credit to the general fund in order to allow full participation in the federal "set off" program offered through the Internal  
25 Revenue Service, the withholding of unemployment insurance benefits through the Department of Employment and Workforce and  
26 reimbursement for expenditures related to blood testing. Such funds may not be expended for any other purpose. The Department  
27 of Social Services shall be allowed to utilize the State share of Federally required fees, collected from non-TANF clients, in the  
28 administration of the Child Support Enforcement Program. Such funds may not be expended for any other purpose. However, this  
29 shall not include Child Support Enforcement Program incentives paid to the program from federal funds to encourage and reward  
30 cost effective performance. Such incentives are to be reinvested in the program to increase collections of support at the state and  
31 county levels in a manner consistent with federal laws and regulations governing such incentive payments. The department shall not  
32 use clerk of court incentive funds to replace agency operating funds. Such funds shall be remitted to the appropriate state  
33 governmental entity to further child support collection efforts.

34     **38.3.** (DSS: Burial Expenses) The expenditure of funds allocated for burials of foster children and adults in the custody of the  
35 Department of Social Services shall not exceed one thousand five hundred dollars per burial.

1 **38.4.** (DSS: Battered Spouse Funds) Appropriations included in Subprogram II.J. entitled Battered Spouse shall be allocated  
 2 through contractual agreement to providers of this service. These appropriations may also be used for public awareness and  
 3 contracted services for victims of this social problem including the abused and children accompanying the abused. Such funds may  
 4 not be expended for any other purpose nor be reduced by any amount greater than that stipulated by the Executive Budget Office or  
 5 the General Assembly for the agency as a whole.

6 **38.5.** (DSS: Court Examiner Service Exemption) In order to prevent the loss of federal funds to the State, employees of the  
 7 Department of Social Services whose salaries are paid in full or in part from federal funds will be exempt from serving as court  
 8 examiners.

9 **38.6.** (DSS: TANF Advance Funds) The Department of Social Services is authorized to advance sufficient funds during each  
 10 fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary  
 11 Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the  
 12 federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided  
 13 herein, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

14 **38.7.** (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and  
 15 bequests for social services provided under their direct responsibility on the basis of a fee schedule. The fees collected shall be  
 16 utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is  
 17 established for the current fiscal year.

18 Day Care

19	Family Child Care Homes (up to six children)	\$15
20	Group Child Care Homes (7-12 children)	\$30
21	Registered Church Child Care (13+)	\$50
22	Licensed Child Care Centers (13-49)	\$50
23	Licensed Child Care Centers (50-99)	\$75
24	Licensed Child Care Centers (100-199)	\$100
25	Licensed Child Care Centers (200+)	\$125

26 Central Registry Checks

27	Nonprofit Entities	\$8
28	For-profit Agencies	\$25
29	State Agencies	\$8
30	Schools	\$8
31	Day Care	\$8
32	Other – Volunteer Organizations	\$8

33 Other Children’s Services

34	Services Related to Adoption of Children from	
35	Other Countries	\$225
36	Court-ordered Home Studies in non-DSS Custody Cases	\$850

1	Licensing Residential Group Homes Fee for an	
2	Initial License	\$250
3	For Renewal	\$75
4	Licensing Child Caring Institutions Fee for an	
5	Initial License	\$500
6	For Renewal	\$100
7	Licensing Child Placing Agencies Fee for an	
8	Initial License	\$500
9	For Renewal	\$60
10	For Each Private Foster Home Under the Supervision	
11	of a Child Placing Agency	\$15
12	Responsible Father Registry	
13	Registry Search	\$50

14 **38.8.** (DSS: Food Stamp Fraud) The state portion of funds recouped from the collection of recipient claims in the TANF and  
 15 Food Stamp programs shall be retained by the department. A portion of these funds shall be distributed to local county offices for  
 16 emergency and program operations.

17 **38.9.** (DSS: TANF - Immunizations Certificates) The department shall require all TANF applicants and/or recipients to provide  
 18 proof of age appropriate immunizations for children. If such immunizations have not been administered, the department shall assist  
 19 in referring applicants to appropriate county health departments to obtain the immunizations.

20 **38.10.** (DSS: County Directors' Pay) With respect to the amounts allocated to the Department of Social Services for Employee  
 21 Pay Increase in this act, the Department of Social Services is authorized to allot funds for pay increases to individual county directors  
 22 and regional directors in classified positions without uniformity. Pay increases for DSS county directors and regional directors shall  
 23 be administered in accordance with the guidelines established by the Department of Administration for Executive Compensation  
 24 System and other nonacademic unclassified employees. Any employees subject to the provisions of this paragraph shall not be  
 25 eligible for any other compensation increases provided in this act.

26 **38.11.** (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds  
 27 awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the  
 28 department on behalf of the investigative units and deposited in a separate, special account and shall be carried forward from year to  
 29 year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant, and/or  
 30 court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services. These accounts  
 31 shall not be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate Finance  
 32 Committee and Ways and Means Committee by January thirtieth of the current fiscal year on the amount of funds received and how  
 33 expended.

34 **38.12.** (DSS: Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to provide  
 35 funds to a not-for-profit or 501(c)(3) organization, that organization must use the funds to serve persons who are eligible for services  
 36 in one or more DSS programs.



1       **38.13.** (DSS: Grant Authority) The Department of Social Services is authorized to make grants to community-based not-for-profit  
2 organizations for local projects that further the objectives of DSS programs. The department shall develop policies and procedures  
3 and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the  
4 grants and to assure fairness and accountability in the award and administration of these grants. The department shall require a match  
5 from all grant recipients.

6       **38.14.** (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments for  
7 individual foster children under their sponsorship and under kinship care:

8       ages 0 - 5   \$404 per month

9       ages 6 - 12 \$469 per month

10      ages 13 +   \$535 per month

11       These specified amounts are for the basic needs of the foster children to include kinship care assistance. Basic needs within this  
12 proviso are identified as food (at home and away), clothing, housing, transportation, education and other costs as defined in the U.S.  
13 Department of Agriculture study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify and  
14 justify, as another line item, all material and/or services, in excess of those basic needs listed above, which were a direct result of a  
15 professional agency evaluation of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not  
16 recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and shall be  
17 reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.

18       **38.15.** (DSS: Penalty Assessment) The Department of Social Services may impose monetary penalties against a person, facility,  
19 or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department  
20 regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund. The department shall  
21 promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the decision  
22 to assess a penalty, the effect of failure to pay a penalty in a timely manner, and a schedule of penalty ranges that takes into account  
23 severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a contested case  
24 hearing before a designee of or panel appointed by the director of the department. Judicial review of the final agency decision  
25 concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final revocation and denial  
26 decisions in that particular program. The department, in accordance with regulations promulgated pursuant to this provision, shall  
27 have discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the  
28 penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions authorizing the department to  
29 seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other types of operating or practice  
30 registrations, approvals, or certificates.

31       **38.16.** (DSS: Child Support Enforcement Automated System Carry Forward) The department shall be authorized to retain and  
32 carry forward any unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.

33       **38.17.** (DSS: Child Support Enforcement System) From the funds appropriated in Part IA, Section 38 (II.F.), the Department of  
34 Social Services shall prepare a detailed report on the status of the Child Support Enforcement System. The report shall include, but  
35 not be limited to, actions currently being undertaken to become compliant with federal government requirements; the cost required  
36 to meet minimum federal guidelines; total funds spent so far on the system; the amount of fines assessed by the federal government

1 associated with noncompliance; how much has been spent to satisfy actions taken by the state judicial system; and how much has  
2 been spent related to actions taken by any other entity which may have altered the amount required for meeting minimum federal  
3 guidelines. The report shall be submitted to the General Assembly by August thirty-first of the current fiscal year.

4 **38.18.** (DSS: Child Care Voucher) State funds allocated to the Department of Social Services and used for child care vouchers  
5 must be used to enroll eligible recipients within provider settings exceeding the state's minimum child care licensing standards. The  
6 department may waive this requirement on a case by case basis.

7 **38.19.** (DSS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to  
8 leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor  
9 declares a state of emergency.

10 **38.20.** (DSS: Day Care Facilities Supervision Ratios) For the current fiscal year, staff-child ratios contained in Regulations  
11 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

12 **38.21.** (DSS: Foster Care Goals) To comply with the requirements of 42 U.S.C. Section 671(a)(14) and 45 C.F.R. Section  
13 1356.21(n), it shall be the goal of the state that the maximum number of Title IV-E funded children who will remain in foster care  
14 for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall  
15 develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

16 **38.22.** (DSS: Comprehensive Teen Pregnancy Prevention Funding) (A) From the monies appropriated for the Continuation of  
17 Teen Pregnancy Prevention, the department must award the dollars allocated to a nonprofit 501(c)(3) entity to provide abstinence  
18 first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy  
19 throughout South Carolina.

20 (B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

21 (C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried  
22 forward for the purpose of fulfilling the department's contractual agreement.

23 (D) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the South  
24 Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the  
25 South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

26 **38.23.** (DSS: SNAP Coupons) The Department of Social Services shall continue the "Healthy Bucks" program established to  
27 provide coupons that allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and  
28 vegetables when purchasing fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each  
29 coupon shall allow the beneficiary to double the amount of produce purchased, up to ten dollars per month. The agency shall utilize  
30 all funds received in the prior and current fiscal years from the U.S. Department of Agriculture as a bonus for reducing the error rate  
31 in processing SNAP applications to fund the program. The agency shall work to identify and utilize funds as matching dollars for  
32 the continued success of the "Healthy Bucks" program and shall report semi-annually to the General Assembly on the status of the  
33 program. The report shall include, at a minimum, the number of recipients, counties served, and cumulative expenditure data for the  
34 program.

35 **38.24.** (DSS: Internal Child Fatality Review Committees) For Fiscal Year ~~2017-18~~ 2018-19, the Director of the Department of  
36 Social Services shall create and fund Internal Child Fatality Review Committees (internal committees) pursuant to the authority

1 granted in Sections 43-1-60(3), 43-1-80, and 63-7-910(E) of the 1976 Code to allow for the rapid and expeditious review of reported  
2 child fatalities that are reported to the Department of Social Services on suspicion of abandonment, child abuse, neglect or harm as  
3 defined in Section 63-7-20. This review process will enable the department to respond to the safety needs of any surviving siblings  
4 and will lead to improvement in the department's efforts to prevent child fatalities caused by abandonment, child abuse, neglect or  
5 harm. Each internal committee shall be composed of a board-certified child abuse pediatrician, an agent from the State Law  
6 Enforcement Division, a local law enforcement officer, a representative from the local coroner's office, and representatives from the  
7 Department of Social Services. The internal committee may invite other service provider organizations as deemed necessary. The  
8 department is authorized to provide reasonable compensation for board-certified child abuse pediatricians serving on an internal  
9 committee. Internal committees shall have access to information and records maintained by a provider of medical care regarding a  
10 child whose death is being reviewed by the internal committee, including information on prenatal care; all information and records  
11 maintained by any state, county, or local government agency, including, but not limited to, birth certificates, law enforcement  
12 investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and  
13 information and records of health agencies that provided services to the child or family. The meetings, information obtained by,  
14 reports prepared by, and statements made before the internal committees are confidential and protected from disclosure pursuant to  
15 the Freedom of Information Act, criminal and civil proceedings, and subpoenas as set forth in Sections 63-7-940 and 63-7-1990.

16 **38.25.** (DSS: Tuition Reimbursement/Student Loan Repayment) The Department of Social Services is allowed to spend state,  
17 federal, and other sources of revenue to provide tuition reimbursement and/or student loan repayment to aid in retaining caseworkers  
18 and critical needs department jobs based on objective guidelines established by the State Director of the Department of Social  
19 Services.

20 The department may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in  
21 programs that are related to the agency's mission. All such leave is at the agency head's discretion.

22 The department may enter into an agreement with staff employed in critical need departments to repay them for their outstanding  
23 student loans and/or reimburse tuition expenses. The employee must be employed in a critical needs area, which would be identified  
24 at the agency head's discretion, be in a covered FTE, and not have any disciplinary actions. Participants in this program must agree  
25 to remain at the department for a period of five years. The department may pay these employees up to \$7,500 each year over a  
26 five-year period in accordance with a program developed by the department. Payments will be made directly to the employee at the  
27 end of each year of employment. Payments cannot exceed the balance of the student loan or the cost of tuition.

28 **38.26.** (DSS: Federally Certified Child Support Enforcement System Project) In order to expedite the completion and certification  
29 of the Automated Child Support Enforcement System required by the Social Security Act (42 U.S.C. Section 654a), the Department  
30 of Social Services is authorized to adopt, to the fullest extent possible, the system and operating procedures of the Delaware Transfer  
31 System. To the extent the Transfer System operating processes deviate from, or are incompatible with, current South Carolina  
32 practice, the department is authorized to determine the most effective and efficient practice to comply with federal requirements.  
33 The department shall work with Clerks of Court to identify and prepare for the changes involved in the implementation of the Transfer  
34 System which may impact their current operating practices with regards to performance of required child support functions. Pursuant  
35 to the Social Security Act and S.C. Code Section 63-17-610, Clerks of Court shall utilize the federally certifiable child support system  
36 and the state disbursement unit developed by the department to perform required child support functions.

1       **38.27.** (DSS: Wilderness Therapeutic Camps) The Department of Social Services shall make and promulgate such rules and  
2 regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of Title 63, Chapter 11,  
3 Article 1 of the 1976 Code as applied to Wilderness Therapeutic Camps. For this purpose, a “Wilderness Therapeutic Camp” is a  
4 therapeutic camp organization or facility with an outdoor or wilderness focus that is engaged in receiving children for care and  
5 maintenance, either part or full time, but shall not include any summer camp, day camp, or after school program, and shall also not  
6 include any other outdoor education or youth development program or facility where participants usually attend for less than 15 days,  
7 and does not include any licensed residential group care organization, child caring institution or group home or facility that meets  
8 the facility requirements of S.C. Code of Regulations Section 114-590.

9       **38.28.** (DSS: Group Home Transition) For the current fiscal year, the Department of Social Services shall provide financial and  
10 administrative support and flexibility to Group Homes in order to best enable any necessary transition of services or the development  
11 of new service models for children and young adults. Group Homes with young adults between the ages of 18 to 23 years residing  
12 in approved and supervised independent living programs shall not be required to provide 24 hours per day face to face supervision  
13 for the resident. Regulatory and contractual requirements must not be different for supervision and staff ratios when a young adult  
14 aged 18 to 23 is a resident in an approved and supervised independent living program.

15       **38.29.** *(DSS: Faith-Based Private Child Placing Agencies) From the funds appropriated to the Department of Social Services,*  
16 *the department shall make and promulgate such rules and regulations relating to licensing standards and other matters as may be*  
17 *necessary to carry out the purposes of Title 63, Chapter 11, Article 1 of the 1976 Code as applied to faith-based private Child Placing*  
18 *Agencies. For purposes of these regulations, any person or entity who holds legal or physical custody of a child for the purpose of*  
19 *placement for foster care or adoption or a private placement and, which for the purposes of these regulations, retain their own*  
20 *system of foster homes, is a child placing agency as defined in S.C. Code of Regulations 114-550. Such regulation must not*  
21 *discriminate or suggest the taking of any adverse action against a faith-based child-placing agency or an agency seeking to become*  
22 *a child-placing agency on the basis, wholly or partly, that a faith-based child placing agency has declined or will decline to provide*  
23 *any service that conflicts with, or provide any service under circumstances that conflict with, a sincerely-held religious belief or*  
24 *moral conviction of the faith-based child placing agency.*

25       **38.30.** *(DSS: Foster Care Child Placements) With funds appropriated and authorized to the Department of Social Services for*  
26 *Fiscal Year 2018-19, the department shall ensure that the following provisions are implemented related to child placements. The*  
27 *department shall promulgate any necessary rules or regulations to implement these provisions:*

28       *(A) If a child in foster care has been placed within the same foster home for at least 9 consecutive months and if the foster*  
29 *parents are willing to provide permanency through adoption for the child, the department must obtain an attachment assessment of*  
30 *the child and current foster parents before selecting a different adoptive placement or other alternative setting. The attachment*  
31 *assessment must be conducted by a qualified attachment expert. Qualified attachment experts may include individuals who can*  
32 *demonstrate training and or education in attachment theory, developmental psychology, and measures of attachment in addition to*  
33 *a minimum of ten completed attachment assessments.*

34       *(B) If a child's permanency plan includes reunification with a parent or caregiver, the department shall develop a transition*  
35 *plan for the child, with input from the Guardian ad Litem and a child-focused mental health professional. The department's proposed*  
36 *transition plan must include sufficient visitation with the permanent guardian to promote a successful and emotionally healthy*

1 transition for the child, facilitate a positive relationship between caregiver and child, and lessen trauma that may result from the  
2 move. If the department pursues placement with a natural parent, relative, or other adult with whom the child has never lived, as  
3 determined to be in the child's best interest, the department's proposed transition plan must be progressive and include increased  
4 overnight visitation with ongoing assessment of the plan and the child's adjustment by the Guardian ad Litem and child focused  
5 mental health professional. Modifications to the plan must be driven by the child's adjustment to the transition.

6 (C) In accordance with Section 63-7-1710, the department must file a Termination of Parental Rights petition if a child has  
7 been in foster care for 15 of the last 22 months unless there are extenuating circumstances as follows:

8 (1) When the child is over the age of 16 and the department has identified another planned permanent living arrangement.

9 (2) The department asserts to the court that the child may be safely returned to the parent because the parent has remedied  
10 the conditions that caused the removal, with or without supervision by the department for up to 12 months.

11 (3) The department's proposed treatment plan can be extended up to 18 months but only if: (a) the department presents  
12 compelling and persuasive evidence of how the parent has demonstrated due diligence in completing the plan; (b) the department  
13 can articulate for the court specific reasons to believe the parent will timely remedy the conditions which led to the removal; (c) the  
14 department affirms that the return of child to the parent would not cause unreasonable risk of harm; (d) the department has  
15 compelling reasons to assert that a Termination of Parental Rights is not in the best interests of the child; (e) the department has  
16 compelling reasons to assert the best interests of the child will be served by the extension.

17 (4) If the department assesses the viability of adoption and determines that adoption is not a viable option and has  
18 compelling reasons to assert that Termination of Parental Rights is not in the best interests of the child, then the department may  
19 pursue a permanent plan of custody or legal guardianship to relative or other person.

20 (D) In accordance with Sections 63-7-1640(G) and 1700(E), the department must file the petition for a Termination of Parental  
21 Rights within sixty days of the family court order designating the child's permanent plan or concurrent plan as Termination of  
22 Parental Rights and adoption.

23  
24 **SECTION 39 - L240 - COMMISSION FOR THE BLIND**

25  
26 **39.1.** (BLIND: Matching Federal Funds) For the current fiscal year the amount appropriated in this section under Program II for  
27 Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal  
28 Vocational Rehabilitation Program.

29  
30 **SECTION 42 - L320 - HOUSING FINANCE AND DEVELOPMENT AUTHORITY**

31  
32 **42.1.** (HFDA: Federal Rental Assistance Administrative Fee Carry Forward) All federal rental assistance administrative fees  
33 shall be carried forward to the current fiscal year for use by the authority in the administration of the federal programs under contract  
34 with the authority.

1       **42.2.** (HFDA: Program Expenses Carry Forward) For the prior fiscal year monies withdrawn from the authority’s various  
2 bond-financed trust indentures and resolutions, which monies are deposited with the State Treasurer to pay program expenses, may  
3 be carried forward by the authority into the current fiscal year.

4       **42.3.** (HFDA: Advisory Committee Mileage Reimbursement) Members of the nine member South Carolina Housing Trust Fund  
5 Advisory Committee are eligible for mileage reimbursement at the rate allowed for state employees as established in Proviso  
6 117.20(J) (Travel-Subsistence Expenses & Mileage) in this act.

7       **42.4.** (HFDA: Allocation of Indirect Cost Recoveries) The authority shall deposit in the state general fund indirect cost  
8 recoveries for the authority’s portion of the Statewide Central Services Cost Allocation  
9 Plan (SWCAP). The authority shall retain recoveries in excess of the SWCAP amount to be deposited in the state general fund.

10       **42.5.** (HFDA: Housing Trust Fund Disaster Initiative) Funds allocated, granted, or awarded under the Housing Trust Fund’s  
11 Disaster Initiative shall not be included when calculating the percentage of trust fund expenditures per county.

12  
13 **SECTION 43 - P120 - FORESTRY COMMISSION**

14  
15       **43.1.** (FC: Grant Funds Carry Forward) The Forestry Commission is authorized to use unexpended federal grant funds in the  
16 current year to pay for expenditures incurred in the prior year.

17       **43.2.** (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received  
18 as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to  
19 an emergency.

20       **43.3.** (FC: Commissioned Officers’ Physicals) The Forestry Commission is authorized to pay the cost of physical examinations  
21 for agency personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

22       **43.4.** (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the  
23 Forestry Commission may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency  
24 director, and providing funds are available.

25  
26 **SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE**

27  
28       **44.1.** (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a record  
29 of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to charge  
30 a yearly subscription fee to each person requesting the bulletin and may charge for classified advertisements printed in the bulletin.  
31 The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and related  
32 incidental expenses.

33       **44.2.** (AGRI: Fruit/Vegetable Inspectors Subsistence) A daily subsistence allowance of up to \$30.00 may be allowed for  
34 temporarily employed fruits and vegetables inspectors from funds generated by fruits and vegetables inspection fees and budgeted  
35 under other funds in Program IV. Marketing Services, D. Inspection Services, in lieu of reimbursements for meals and lodging  
36 expense.

1       **44.3.** (AGRI: Warehouse Receipts Guaranty Fund) The Department of Agriculture may retain and expend fifty thousand dollars  
2 from the Warehouse Receipts Guaranty Fund established by Section 39-22-150 of the 1976 Code as is necessary for the department  
3 to administer the funding of the program.

4       **44.4.** (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of Agriculture  
5 pursuant to the provisions of Section 39-9-65 of the 1976 Code shall pay to the department a registration fee of \$25.00. Revenues  
6 generated by this provision shall be for use by the Department of Agriculture to offset expenses incurred in administering this  
7 registration program.

8       **44.5.** (AGRI: Sale of Property Revenue) The department may retain revenues associated with the sale of the property titled to  
9 or utilized by the department, except for the State Farmers Market property, and must expend these funds on capital improvements  
10 approved by the Joint Bond Review Committee and the State Fiscal Accountability Authority. The department must continue to  
11 occupy any property until replacement capital improvements are completed.

12       **44.6.** (AGRI: Export Certification) The Department of Agriculture is allowed to charge up to \$250 for each export certification  
13 of agricultural products and to retain revenues to offset expenses incurred in performing certifications.

14       **44.7.** (AGRI: Feed Label Registration) The Department of Agriculture is authorized to require the annual registration of feed  
15 labels by manufacturers and to charge a fee of \$15.00 for such registrations. Revenues generated by these fees shall be retained and  
16 used by the department to offset expenses incurred in operating the Feed Inspection Program.

17       **44.8.** (AGRI: Commodity Boards) Application of Chapter 35 of Title 11 of the 1976 Code to expenditures of assessments  
18 collected from producers, as defined by Section 46-17-40(j), made by the various Commodity Boards (as budgeted under Commodity  
19 Boards, Program II.B) is suspended for the Fiscal Year 2018-19.

## 21 SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA

22  
23       **45.1.** (CU-PSA: Phytosanitary Certificates) Revenues collected from the issuance of phytosanitary certificates shall be retained  
24 by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

25       **45.2.** (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness  
26 fee of \$100.00 per hour up to \$400.00 per day for each employee testifying as an expert witness in civil matters which do not involve  
27 the State as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or  
28 reimbursement for judicial appearances and deposited into a designated revenue account.

29       **45.3.** (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is  
30 authorized to retain up to \$92,000 of revenue collected from the issuance of Nursery/Nursery Dealer Fees for the purpose of carrying  
31 out nursery/nursery dealer inspections. Revenue collected from this fee above \$92,000 shall be deposited into the general fund.

32       **45.4.** (CU-PSA: Retention of Fees) All revenues collected from the regulatory programs of agrichemical, plant industry and  
33 crop protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees; seed certification fees; and  
34 fertilizer tax/inspection fees must be retained by Clemson University PSA regulatory programs.

35       **45.5.** (CU-PSA: Pesticide Registration) All revenues collected from pesticide registration fees and revenue collected from  
36 structural pest control businesses for business licensing must be retained by Clemson University PSA Regulatory and Public Service

1 Programs to support general regulatory, enforcement, and education programs and to carry out provisions of the South Carolina  
2 Pesticide Control Act and regulations related to it.

3 **45.6.** (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an  
4 inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may  
5 retain, expend, and carry forward these funds to maintain its programs.

6 **45.7.** (CU-PSA: Livestock-Poultry Health Programs) For the current fiscal year Clemson University Public Service Activities  
7 shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection  
8 Services and from USDA Animal and Plant Health Inspection Services for Clemson University PSA's Livestock-Poultry Health  
9 Programs and its departments shall be retained by Clemson University-PSA's Livestock-Poultry Health Program for purposes of  
10 carrying out the operation of its programs.

11 **45.8.** (CU-PSA: Boll Weevil Eradication) For the current fiscal year Clemson University Public Services Activities shall  
12 maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated  
13 by the Executive Budget Office or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall be  
14 excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds  
15 appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

16 **45.9.** (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production,  
17 landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ )  
18 and is incapable of neutralizing soil acidity. It shall contain not less than seventy percent  $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ . All registrants of landplaster  
19 who sell or distribute in this state that previously were required to pay an inspection fee of \$1.50 per ton shall now pay to Clemson  
20 University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain, expend, and  
21 carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.

## 22 SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES

23  
24  
25 **47.1.** (DNR: Publications Revenue) For the current fiscal year all revenue generated from the sale of the "South Carolina  
26 Wildlife" magazine, its by-products and other publications, shall be retained by the department and used to support the production  
27 of same in order for the magazine to be self-sustaining. In addition, the department is authorized to sell advertising in the magazine  
28 and to increase the magazine's subscription rate, if necessary, to be self-sustaining. No general funds may be used for the operation  
29 and support of the "South Carolina Wildlife" magazine.

30 **47.2.** (DNR: Casual Sales Tax Collection) The Department of Natural Resources shall continue to collect the casual sales tax as  
31 contained in the contractual agreement between the Department of Revenue and the Department of Natural Resources and the State  
32 Treasurer is authorized to reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax and such  
33 reimbursement shall be paid from revenues generated by the casual sales tax.

34 **47.3.** (DNR: Proportionate Funding) Each of South Carolina's forty-six soil and water conservation districts shall receive a  
35 proportionate share of funding set aside for Aid to Conservation Districts at \$15,000 per district for general assistance to the district's  
36 program. Available funding above \$15,000 for each district will be apportioned by the Department of Natural Resources based upon



1 local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be reduced in an amount  
2 not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the  
3 county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county  
4 funds for the same purposes.

5 **47.4.** (DNR: Carry Forward - Contract for Goods & Services) If any funds accumulated by the Department of Natural Resources  
6 Geology Program, under contract for the provision of goods and services not covered by the department's appropriated funds, are  
7 not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with the  
8 provision of such goods and services.

9 **47.5.** (DNR: Revenue Carry Forward) The department may collect, expend, and carry forward revenues derived from the sale  
10 of goods and services in order to support aerial photography, map services, climatology data, and geological services. The department  
11 shall annually report to the Senate Finance Committee and the House Ways and Means Committee the amount of revenue generated  
12 from the sale of these goods and services.

13 **47.6.** (DNR: Clothing Allowance) The Department of Natural Resources is hereby authorized to provide Natural Resource  
14 Enforcement Officers on special assignment with an annual clothing allowance (on a prorata basis) not to exceed \$600 per officer  
15 for required clothing used in the line of duty.

16 **47.7.** (DNR: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for  
17 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

18 **47.8.** (DNR: Cormorant Control) The Department of Natural Resources shall continue to coordinate a public Cormorant control  
19 program with the US Fish and Wildlife Service for Lake Marion and Moultrie. The department shall try to coordinate with the Army  
20 Corp of Engineers, Santee Cooper, and the USFWS to include waters above and below each spillway, Wildlife Management Areas,  
21 and national refuges. The department shall assess the need to expand the program to other public waters and implement a plan if  
22 warranted. If the USFWS allows continuation of the control program, the department shall establish an online method of permitting.

23 **47.9.** (DNR: Web Services and Technology Development) The department may carry forward any unexpended general fund  
24 balance remaining on the Other Operating Expenses line, identified in the "Web Services and Technology Development" program  
25 of the department appropriations from Part IA in this Act. Balances carried forward from the prior fiscal year are only authorized to  
26 be expended to support technology operating expenses within the department.

27 **47.10.** (DNR: Predator Control Program) Of the funds authorized and appropriated in this Act, the Department of Natural  
28 Resources is directed to develop and implement a coyote tagging and reward program within this state. They must tag and release  
29 four coyotes in each of the four game zones and apply a reward of a complimentary lifetime hunting license per tagged coyote to the  
30 hunter/trapper, or his designee.

31 **47.11.** (DNR: Triploid Grass Carp) For ~~Fiscal Year 2017-18~~ *the current fiscal year*, no water recreation funds or any other funding  
32 source may be used to fund the stocking of triploid grass carp on Lake Marion and Lake Moultrie.

33 **47.12.** *(DNR: Significant Sites Funding) The Department of Natural Resources shall use funds appropriated for the Significant*  
34 *Sites Grant Program to establish and administer a new grant program that will provide funding for efforts that increase public*  
35 *enjoyment of sites that provide access to the natural resources of South Carolina. Areas determined to be of significant value include,*  
36 *but are not limited to, sites that provide outdoor activities such as hunting, fishing, hiking, canoeing, rock climbing, and bird*

1 watching. The department must provide a report by May of each year to the Chairman of the Senate Finance Committee and the  
2 Chairman of the House Ways and Means Committee detailing grants made and projects funded to increase public enjoyment of  
3 significant sites in the state.  
4

5 **SECTION 48 - P260 - SEA GRANT CONSORTIUM**  
6

7 **48.1.** (SGC: Publications Revenue) Funds generated by the sale of pamphlets, books, and other promotional materials, the  
8 production of which has been paid for by non-state funding, may be deposited in a special account by the consortium and utilized as  
9 other funds for the purchase of additional pamphlets, books, and other promotional materials for distribution to the public.  
10

11 **SECTION 49 - P280 - DEPARTMENT OF PARKS, RECREATION AND TOURISM**  
12

13 **49.1.** (PRT: Tourism and Promotion) The funds appropriated in this act for Regional Promotions shall be distributed equally to  
14 the eleven Regional Tourism groups, except that the Grandstrand Tourism Region's funds shall be divided, with \$50,000 distributed  
15 to the Myrtle Beach Chamber of Commerce, \$115,000 distributed to the Georgetown Chamber of Commerce, \$30,000 distributed to  
16 the City of Georgetown, and \$30,000 distributed to the Williamsburg Chamber of Commerce for tourism related activities. The  
17 Myrtle Beach Chamber of Commerce and the Georgetown Chamber of Commerce shall submit a report to the Senate Finance  
18 Committee and the House Ways and Means Committee by December first each year describing how these funds were expended in  
19 the prior fiscal year.

20 **49.2.** (PRT: Destination Specific Tourism Marketing) The minimum grant awarded by the Destination Specific Tourism  
21 Program shall be \$250,000. Each state dollar must be matched with two dollars of private funds. An organization receiving a state  
22 grant must certify that, as of the date of the application: (i) the private funds are new dollars specifically designated for the purpose  
23 of matching state funds; (ii) the private funds have not been previously allocated or designated for tourism-related destination  
24 marketing; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to  
25 provide the required match. Organizations applying for a grant must include in the grant application, information on how the  
26 organization proposes to measure the success of the marketing and public relations program, including the estimated return on  
27 investment to the state. Promotional programs proposed by an applicant must be based on research-based outcomes. Grants must  
28 be made only to organizations that have a proven record of success in creating and sustaining new and repeat visitation to its area  
29 and must have sufficient resources to create, plan, implement, and measure the marketing and promotional efforts undertaken as a  
30 part of the program. The department must award a grant only to one qualified destination marketing organization within their tourism  
31 region where the organization's private funds are raised. An organization receiving a grant must use the public and private funds  
32 only for the purpose of destination specific marketing and public relations designed to target international and/or domestic travelers  
33 outside the state to destinations within the state. All grants that qualify under the program must be funded if funds are available.  
34 Funding of all qualified grants will be on a first come first served basis with such basis retained throughout the term of this proviso.  
35 No organization shall receive in the first quarter more than fifty percent of the state dollars allocated to the program. If by the end  
36 of the third quarter matching funds are still available with no other organizations meeting the criteria for funding, the funds will be

1 distributed to the organization or organizations that have and can meet all of the requirements of this proviso. Grant recipients shall  
2 provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means  
3 Committee and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the  
4 proposed outcome measures.

5 **49.3.** (PRT: Advertising Funds Carry Forward) The Department of Parks, Recreation and Tourism may carry forward any  
6 unexpended funds appropriated on the Advertising line within Program II. A. Tourism Sales and Marketing from the prior fiscal year  
7 into the current fiscal year to be used for the same purposes which include the Tourism Partnership Fund, Destination Specific  
8 Marketing Grants and the agency advertising fund.

9 **49.4.** (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 49, Part  
10 IA of this Act for the South Carolina Film Commission, the department may use the film marketing funds for the following purposes:  
11 (1) to allow for assistance with recruitment and infrastructure development of the film industry; (2) to develop a film crew base; (3)  
12 to develop ally support in the film industry; (4) marketing and special events; and (5) to allow for assistance with the auditing and  
13 legal service expenses associated with the Motion Picture Incentive Act.

14 **49.5.** (PRT: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge an  
15 application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting  
16 administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee  
17 schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.

18 **49.6.** (PRT: Gift Shops) At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may  
19 close on weekends.

20 **49.7.** (PRT: PARD Interest) The department is hereby prohibited from utilizing the interest generated in the PARD program for  
21 anything other than the uses authorized by the law creating PARD. Should the PARD account not reach the required amount of  
22 \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry forward the funding until such time as  
23 the funds are sufficient to distribute as originally intended.

24 **49.8.** (PRT: Wage and Supplier Rebate Funds) From the funds set aside pursuant to the Motion Picture Incentive Act, any funds  
25 committed to film projects shall be carried forward from the prior fiscal year and used for the same purpose. Any uncommitted funds  
26 shall be carried forward from the prior fiscal year and ~~may be used by the department for the same purpose, deferred maintenance~~  
27 ~~and capital projects at state parks and Welcome Centers, and for Marketing/Advertising~~ must be used solely for wage and supplier  
28 rebate funds pursuant to the Motion Picture Incentive Act and may not be used for any other purpose. ~~Prior to the funds being~~  
29 ~~utilized for the state's Welcome Centers the funds shall be placed in a separate and distinct fund prior to July thirtieth of the current~~  
30 ~~fiscal year and the interest accrued by the fund must remain in the fund. Of the funds placed into the separate and distinct fund in~~  
31 ~~the current fiscal year, up to ten percent may be utilized for operating costs directly related to the Welcome Centers. These funds~~  
32 ~~shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.~~

33 **49.9.** (PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Executive Budget  
34 Office or the General Assembly, any amounts appropriated for pass through, special items, or other items specified in any general  
35 proviso, which are exempt from reduction, shall be excluded from the Department of Parks, Recreation and Tourism's base budget.

1       **49.10.** (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the  
2 Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and  
3 generally accepted accounting standards. The department is allowed to reimburse PARD grantees from current year funds for prior  
4 year expenditures for a period of three years as allowed in Section 51-23-30 of the 1976 Code.

5       **49.11.** (PRT: Admission Fees and Charges) The department may impose reasonable fees and charges for admission to and/or use  
6 of park and recreational facilities and the revenues from such fees and charges must be used for park and recreational uses.

7       **49.12.** (PRT: Vending Services) The State Park Service, an office within the Department of Parks, Recreation, and Tourism shall  
8 be granted an exemption requiring the State Park Service to use the Commission for the Blind for vending services. All revenues  
9 earned by vending and retail operations at the State Parks shall be retained by the department to support the operational costs of the  
10 South Carolina State Parks. These funds may be carried forward from the prior fiscal year and must be used for the same purpose.  
11 This exemption does not apply to vending services at the State Welcome Centers.

12       **49.13.** (PRT: State Funded Grant Programs) Any unexpended general funds appropriated for the PARD Grants, Undiscovered  
13 SC, and Sports Marketing Grants Programs shall be carried forward from the prior fiscal year into the current fiscal year and used  
14 for the same purpose.

15       **49.14.** (PRT: Beach Access) Of the funds appropriated for state parks, the department shall utilize such funds to open pedestrian,  
16 non-motorized vehicular and golf cart ingress and egress to Myrtle Beach State Park at the intersection of US Highway 17 and Center  
17 South Road in Myrtle Beach, and/or at other location(s) which legally and safely affords such ingress and egress. Said access shall  
18 be subject to the rules and regulations of the department governing uniform closure of park ingress during periods of peak usage.

19       **49.15.** (PRT: SC Film Office Rebate Funds) From the funds authorized pursuant to the Motion Picture Incentive Act, any rebates  
20 awarded by the SC Film Office may be paid without distinction of the source of funds.

21       **49.16.** RESERVED

22       **49.17.** (PRT: Horry County Museum) The 3:1 match requirement associated with the appropriation of \$250,000 non-recurring  
23 funds through the Department of Parks, Recreation and Tourism for the City of Conway - Renovation of Horry County Museum for  
24 Multipurpose Space (Requires 3:1 Match) in Act 91 of 2015 by proviso 118.14(B)(41)(o) shall be amended to require a 1:1 match.

25       **49.18.** (PRT: *Welcome Center Complex Mowing*) **DELETED**

26  
27       **SECTION 50 - P320 - DEPARTMENT OF COMMERCE**

28  
29       **50.1.** (CMRC: Development - Publications Revenue) The proceeds from the sale of publications may be retained in the agency's  
30 printing, binding, and advertising account to offset increased costs.

31       **50.2.** (CMRC: Economic Dev. Coordinating Council - Set Aside Fund) From the amount set aside in Section 12-28-2910, the  
32 council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs  
33 and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program, as approved  
34 by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the  
35 current fiscal year.

- 1       **50.3.** (CMRC: Coordinating Council Funds) In order to provide maximum flexibility to encourage the creation of new jobs and  
2 capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds  
3 at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council members in a  
4 public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the  
5 current fiscal year by the Department of Commerce for the same purpose.
- 6       **50.4.** (CMRC: Export Trade Show Funds) Funds collected from South Carolina companies for offsetting costs associated with  
7 participation in future trade shows may be carried forward from the prior fiscal year to the current fiscal year and used for that  
8 purpose.
- 9       **50.5.** (CMRC: Special Events Advisory Committee) The Department of Commerce is required to establish a Special Events  
10 Advisory Committee to provide oversight to the department as it relates to the department's Special Events Fund. The Advisory  
11 Committee shall be made up of contributors to the Fund appointed by the Secretary of Commerce and shall consist of no fewer than  
12 eight members, including a chairman. The Advisory Committee shall establish guidelines for the use of these funds. The Department  
13 of Commerce shall prepare a detailed report and have an independent audit of all expenditures of the fund during the previous  
14 calendar year. None of these funds shall be used for operating expenses. The report shall be submitted to the Governor, the Speaker  
15 of the House, the President Pro Tempore of the Senate, the Chairman of the House Ways and Means Committee, and Chairman of  
16 the Senate Finance Committee.
- 17       **50.6.** (CMRC: Development-Rental Revenue) Revenue received from the sublease on non-state-owned office space may be  
18 retained and expended to offset the cost of the department's leased office space.
- 19       **50.7.** (CMRC: Development-Ad Sales Revenue) The department may charge a fee for ad sales in department authorized  
20 publications and may use these fees to offset the cost of printing and production of the publications. Any revenue generated above  
21 the actual cost shall be remitted to the General Fund.
- 22       **50.8.** (CMRC: Foreign Offices) The Secretary of Commerce shall be authorized to appoint the staff of the department's foreign  
23 offices on a contractual basis on such terms as the Secretary deems appropriate, subject to review by the Department of  
24 Administration.
- 25       **50.9.** (CMRC: Funding For I-73) Of the funds authorized for the Coordinating Council Economic Development, \$500,000 shall  
26 be made available for the routing, planning and construction of I-73.
- 27       **50.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, funds appropriated for the Closing  
28 Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any  
29 unexpended at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of  
30 Commerce for the same purposes.
- 31       **50.11.** (CMRC: Coordinating Council - Application Fee Deposits) Application fees received by the department must be deposited  
32 within five business days from the Coordinating Council application approval date.
- 33       **50.12.** (CMRC: Recycling Advisory Council Reporting) The Recycling Market Development Advisory Council must submit an  
34 annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

1     **50.13.** (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000  
2 appropriated in Fiscal Year ~~2017-18~~ 2018-19 for Regional Economic Development Organizations to provide funds to the following  
3 economic development organizations and must be disbursed as follows:

- 4       (1) Upstate Alliance                                     \$ 750,000;
- 5       (2) Central SC Economic Development Alliance     \$ 750,000;
- 6       (3) North Eastern Strategic Alliance (NESA)       \$ 745,000;
- 7       (4) Charleston Regional Development Alliance     \$ 660,000;
- 8       (5) I-77 Alliance                                       \$ 600,000;
- 9       (6) Economic Development Partnership            \$ 450,000;
- 10      (7) Southern Carolina Alliance                     \$ 460,000; and
- 11      (8) The LINK Economic Alliance                    \$ 385,000.

12     Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify  
13 that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously  
14 allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of  
15 the organization as defined by the Department of Commerce.

16     The remaining \$200,000 shall be provided to counties as follows, provided they meet the requirements established above:

- 17       (1) Beaufort County                                   \$ 140,000; and
- 18       (2) Lancaster County                                 \$ 60,000.

19     Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the  
20 funds to the requesting organization.

21     Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the  
22 House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

23     Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development  
24 Organizations shall first be made available to Regional Economic Development Organizations and any remainder shall be transferred  
25 to the Rural Infrastructure Fund at the Department of Commerce. If more than one alliance applies for the same funds, the funds  
26 will be distributed pro-rata.

27     **50.14.** (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC  
28 Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on  
29 behalf of the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing  
30 Extension Partnership's expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance  
31 Committee and the Chairman of the House Ways and Means Committee by November first.

32     **50.15.** (CMRC: Business Incubator/Innovation Program) Any funds appropriated to the department for the Business  
33 Incubator/Innovation Program shall be used for eligible projects that address one or more of the goals in the South Carolina  
34 Innovation Plan and any investments must be accompanied by a dollar-for-dollar match from non-state appropriated funds. Up to  
35 \$300,000 may be used by the department for administrative costs associated with this program.

1       **50.16.** (CMRC: Council on Competitiveness) The Department of Commerce shall utilize the funds appropriated in the current  
2 fiscal year for the South Carolina Council on Competitiveness to provide funds for existing business economic development  
3 activities. Each dollar of state funds disbursed must be matched equally with non-state appropriated funds and prior to the  
4 disbursement of funds, the Council on Competitiveness must certify that these funds are new dollars specifically designated for the  
5 purpose of matching state funds and have not been previously allocated or designated for economic development. The Council on  
6 Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January first, to the Chairman  
7 of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Secretary of Commerce.

8       **50.17.** (CMRC: Grant Funds Carry Forward) The Department of Commerce may carry forward any unexpended balance on June  
9 thirtieth of the prior fiscal year of grant funds appropriated and/or authorized for Innovation, Research/Applied Research Centers,  
10 SCOPE, and LocateSC and expend such funds in the current fiscal year for the same purpose.

11       **50.18.** (CMRC: Road Closures Related to Navy Base Intermodal Facility) The Division of Public Railways is authorized to close  
12 any street or road on or in the vicinity of the former Charleston Navy Base to the extent necessary to implement the Navy Base  
13 Intermodal Facility. Such closure shall not deny access to any property owners abutting the closed section of the street or road, or  
14 in the event access is denied, alternate access shall be provided.

15       **50.19.** (CMRC: Funding for Rail Infrastructure) Of the funds authorized for the Coordinating Council for Economic Development  
16 under Section 12-10-85 (B) of the 1976 Code, the Secretary of Commerce may utilize these funds toward state-owned rail  
17 infrastructure projects.

18       **50.20.** (CMRC: Distribution Facility) The Navy Base Intermodal Facility owned by Palmetto Railways, a division of the  
19 Department of Commerce, shall be considered a distribution facility for the purpose of sales tax exemptions associated with the  
20 purchase of equipment and construction materials.

21       **50.21.** (CMRC: Camp Hall Rail Construction) The Division of Public Railways, or a person acting under contract with the  
22 division, is authorized to construct and maintain temporary borrow pits on lands adjacent to or in close proximity to the right of way  
23 for the Camp Hall Rail Project for the limited purpose of providing fill material needed for the construction of the Camp Hall Rail  
24 Project. The Division of Railways, or its authorized contractor as applicable, shall comply with the reclamation standards applicable  
25 to the Department of Transportation and its contractors undertaking similar activities in connection with the construction, repair,  
26 and maintenance of the public road systems of the state.

## 27 28 SECTION 51 -P340 - JOBS-ECONOMIC DEVELOPMENT AUTHORITY

29  
30       **51.1.** (JEDA: Bonds Interest Rates) ~~Pursuant to Sections 41-43-100 and 41-43-110(A) of the 1976 Code, the interest rate of~~  
31 ~~bonds issued by the authority are not subject to approval by the State Fiscal Accountability Authority.~~

## 32 33 SECTION 52 - P360 - PATRIOTS POINT DEVELOPMENT AUTHORITY

34  
35       **52.1.** (PPDA: USS Laffey Overnight Stays) From the funds authorized or appropriated to Patriots Point Development Authority  
36 as “other operating expenses” members of the USS Laffey Association who are temporarily present at Patriots Point to perform

1 voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the Executive Director approves and has  
2 deemed it safe to do so.

3  
4 **SECTION 53 - P400 - S.C. CONSERVATION BANK**

5  
6 **53.1.** (CB: Conservation Bank Trust Fund) For Fiscal Year ~~2017-18~~ 2018-19, the provisions of Section 12-24-95 of the 1976  
7 Code are suspended.

8  
9 **SECTION 54 - P450 - RURAL INFRASTRUCTURE AUTHORITY**

10  
11 **54.1.** (RIA: Rural Infrastructure Fund Carry Forward) The Rural Infrastructure Authority may carry forward from the prior  
12 fiscal year into the current fiscal year, funds appropriated to the Rural Infrastructure Fund. The authority shall retain any unexpended  
13 funds at the close of the fiscal year and these funds shall be carried forward from the prior fiscal year into the current fiscal year.

14 **54.2.** (RIA: Carry Forward - Local Government Assistance) The Rural Infrastructure Authority may carry forward from prior  
15 fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal  
16 funds for financial assistance to local governments with water, wastewater, and sewer projects.

17 **54.3.** (RIA: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by the  
18 Rural Infrastructure Authority, grant and loan program funds carried forward by the Office of Local Government shall be excluded  
19 from the calculation of the carry forward authorized by provision elsewhere in this act.

20 **54.4.** (RIA: State Water Pollution Control Revolving Fund) In the event that any state funds remain after fully matching federal  
21 grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited into the  
22 South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

23 **54.5.** (RIA: Statewide Water and Sewer Fund) The Rural Infrastructure Authority shall use the funds allocated for the Statewide  
24 Water and Sewer Fund to assist qualified infrastructure projects not eligible for the Rural Infrastructure Fund. The authority shall  
25 utilize the same procedures and guidelines established for the Rural Infrastructure Fund to select qualified projects for the Statewide  
26 Water and Sewer Fund. The authority may carry forward from the prior fiscal year into the current fiscal year, funds appropriated  
27 to the Statewide Water and Sewer Fund.

28  
29 **SECTION 57 - B040 - JUDICIAL DEPARTMENT**

30  
31 **57.1.** (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be  
32 prohibited.

33 **57.2.** (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office  
34 with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of  
35 Appeals upon their request.



- 1       **57.3.** (JUD: Commitments to Treatment Facilities) The appropriation for continued implementation of Article 7, Chapter 17,  
2 Title 44 of the 1976 Code, Chapter 24, Title 44 of the 1976 Code, and Chapter 52, Title 44 of the 1976 Code, relating to commitments,  
3 admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse treatment, shall  
4 be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for proposed patients, and  
5 related costs arising from the filing, service and copying of legal papers and the transcription of hearings or testimony. Court  
6 appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are jointly determined to be  
7 reasonable by the South Carolina Association of Probate Judges, the State Court Administrator, and the South Carolina Department  
8 of Mental Health with the approval of the Attorney General. The Judicial Department shall notify the Senate Finance Committee  
9 and the House Ways and Means Committee of any fee adjustment or change in schedule before implementation.
- 10       **57.4.** (JUD: Judicial Commitment) Except as otherwise provided in Section 117.5, no money appropriated pursuant to Item VI,  
11 Judicial Commitment shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem, or  
12 attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.
- 13       **57.5.** (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and Circuit  
14 Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-120 of the  
15 South Carolina Code of Laws, shall receive one thousand dollars per month as expense allowance.
- 16       **57.6.** (JUD: Special Judge Compensation) In the payment of funds from “Contractual Services”, and “Administrative Fund”,  
17 that no special judge shall be paid for more than a two week term within a fiscal year except that this restriction will not apply in  
18 case of an ongoing trial.
- 19       **57.7.** (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are  
20 granted to classified state employees.
- 21       **57.8.** (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office may be  
22 deposited into an escrow account with the State Treasurer’s Office. The department is authorized to receive, expend, retain, and  
23 carry forward these funds.
- 24       **57.9.** (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be  
25 reimbursed in accordance with Section 117.20(J) of this act.
- 26       **57.10.** (JUD: Interpreters) The funds appropriated in this section for “Interpreters” shall be used to offset costs associated with  
27 interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and  
28 reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme  
29 Court.
- 30       **57.11.** (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies  
31 of court rules and other department documents shall be retained for use by the department.
- 32       **57.12.** (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to  
33 counties for use in court-related activities.
- 34       **57.13.** (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the Judicial  
35 Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended in the  
36 current fiscal year.

1       **57.14.** (JUD: Case Management Services) The Judicial Department shall retain revenue generated by charging a fee for  
2 technology support services provided to users of the State case management system. These funds may be expended and carried  
3 forward to offset the costs of supporting and maintaining the case management system.

4       **57.15.** (JUD: Magistrates' Training) From the funds appropriated to the Judicial Department, the department shall provide  
5 magistrates annual continuing education on domestic violence, which may include, but is not limited to:

6           (1) the nature, extent, and causes of domestic and family violence;

7           (2) issues of domestic and family violence concerning children;

8           (3) prevention of the use of violence by children;

9           (4) sensitivity to gender bias and cultural, racial, and sexual issues;

10          (5) the lethality of domestic and family violence;

11          (6) legal issues relating to domestic violence and child custody;

12          (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and psychological  
13 issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court's role in ensuring that the  
14 parties have appropriate and adequate representation;

15          (8) procedures and other matters relating to issuing orders of protection from domestic violence.

16       **57.16.** (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part  
17 IA, Section 57, are exempt from mid-year across-the-board reductions.

18       **57.17.** (JUD: Judicial Department Applicability) For purposes of this act and any other provision of law that would have any  
19 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate  
20 or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Judicial Department  
21 unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

22       **57.18.** (JUD: Court Costs Carry Forward) The Judicial Department shall retain the funds collected from costs related to court  
23 proceedings (including the cost of hearings, investigations, prosecution, service of process and court reporter services) under Rules  
24 413 or 502 of the SC Appellate Court Rules, or from costs related to the appointment of a receiver or an attorney to assist the receiver  
25 under Rule 413, that are assessed against a party. The department is authorized to receive, expend, retain, and carry forward these  
26 funds which shall be used for the same purpose.

27       **57.19.** (JUD: Appellate Court Fee) The Judicial Department shall retain the funds collected as required by the SC Appellate Court  
28 Rules. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used by the department.

29       **57.20.** (JUD: Interpreter Training and Certification) The Judicial Department shall collect and retain funds received from  
30 applicants for interpreter training and certification tests. These funds shall be used to offset expenses incurred for the SC Court  
31 Interpreter Certification Program. The department is authorized to receive, expend, retain, and carry forward these funds.

1    **SECTION 58 - C050 - ADMINISTRATIVE LAW COURT**

2

3       **58.1.** (ALC: Copying Costs Revenue Deposit) The Administrative Law Court shall retain and expend, for the same purpose for  
4 which it is generated, all revenue received during the current fiscal year as payment for printing and distributing copies of court rules  
5 and other agency documents.

6       **58.2.** (ALC: County Office Space for Judges) Every county shall provide for each Administrative Law Judge residing therein,  
7 upon their request, an office within the existing physical facilities if space is available, to include all utilities and a private telephone.  
8 The request shall only be made provided that the judge's residence is not within fifty  
9 miles of the official headquarters of the agency by which the Administrative Law Judge is employed.

10       **58.3.** (ALC: ALJ Travel) While holding court or on other official business outside the county in which he resides, within fifty  
11 miles of his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day plus such  
12 mileage allowance for travel as is provided for other employees of the State. While holding court or on other official business at a  
13 location fifty miles or more from his residence, an Administrative Law Judge is entitled to a subsistence allowance in the amount as  
14 provided in this act for members of the General Assembly plus such mileage allowance for travel as is provided for other employees  
15 of the State. However, notwithstanding any other provision of law, the allowance as provided shall not exceed \$8,000 per judge in  
16 a fiscal year.

17

18    **SECTION 59 - E200 - OFFICE OF THE ATTORNEY GENERAL**

19

20       **59.1.** (AG: Prior Year Expenditures) The Office of the Attorney General is authorized to use unexpended federal funds in the  
21 current fiscal year to pay for expenditures incurred in the prior fiscal year.

22       **59.2.** (AG: Other Funds Carry Forward) Any balance of unexpended funds, not including general fund appropriations, may be  
23 carried forward for the operation of the Office of Attorney General.

24       **59.3.** (AG: Reimbursement for Expenditures) The Office of the Attorney General may retain for general operating purposes,  
25 any reimbursement of funds for expenses incurred in a prior fiscal year.

26       **59.4.** (AG: Donation Carry Forward) All revenue derived from donations received at the Office of the Attorney General shall  
27 be retained, carried forward, and expended according to agreement reached between the donor, or donors, and the Attorney General.

28       **59.5.** (AG: Securities Fee Revenue) After the provisions of Section 35-1-702(b) of the 1976 Code have been satisfied, and upon  
29 notification to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee that such  
30 provisions have been satisfied, the next \$20,500,000 of Securities Fee revenues collected during the current fiscal year by the Office  
31 of the Attorney General shall be remitted to the General Fund of the State. The Office of the Attorney General may retain the next  
32 \$400,000 collected and may utilize these funds for operations to include expert witness expenses, investigative costs, trial preparation,  
33 and other related expenses associated with the increase in licensed securities agents. These funds may be carried forward from the  
34 prior fiscal year into the current fiscal year and utilized for the same purpose. Remaining Securities Fee revenues collected during  
35 the current fiscal year shall be remitted to the General Fund of the State.

1     **59.6.** (AG: Savannah River Maritime Commission Funds) The Office of the Attorney General is authorized to use funds  
2 appropriated for litigation expenses related to the Savannah River Maritime Commission to reimburse litigation expenditures incurred  
3 by the Office of the Attorney General on behalf of the Savannah River Maritime Commission during the current fiscal year.  
4 Following the conclusion of these litigation matters any remaining funds shall be deposited in the General Fund.

5     **59.7.** (AG: Gang Violence Prevention/Youth Mentor) The Office of the Attorney General may expend other funds to implement  
6 and maintain gang prevention and youth mentoring programs in conjunction with Section 63-19-1430 of the 1976 Code, the Youth  
7 Mentor Act.

8     **59.8.** (AG: Litigation Recovery Account) During the current fiscal year, when there is a recovery or an award in any litigation  
9 managed by the Attorney General, any funds received that would have otherwise been credited to the General Fund shall be deposited  
10 to the credit of a special account created in the Office of State Treasurer entitled "Litigation Recovery Account." The funds deposited  
11 in this account must be expended only as prescribed by law.

12     **59.9.** (AG: Public Official Attorney Fees) The Executive Director of the State Fiscal Accountability Authority shall pay from  
13 the Insurance Reserve Fund, up to \$50,000 of opposing attorney's fees and court costs as ordered by the court in those cases in which  
14 the Attorney General defends one or more public officers in their official capacities.

15     The Attorney General must certify to the Executive Director the amount the court has ordered the Attorney General to pay for  
16 opposing attorney's fees and court costs and upon receipt of the certification, the Executive Director shall pay up to \$50,000 of the  
17 amount certified to the appropriate individual or entity. The Attorney General must report any court ordered payment  
18 of attorney's fees and court costs that exceed \$50,000 to the President Pro Tempore of the Senate, the Speaker of the House of  
19 Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee for  
20 consideration by the General Assembly.

21     **59.10.** (AG: *Victim/Witness Program Formula Distribution*) *If funds in the South Carolina Victims' Compensation Fund exceed*  
22 *the amount required to operate the State Crime Victim Compensation Department and pay claims of crime victims, the first \$650,000*  
23 *of such excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria*  
24 *developed by the policy committee, and otherwise subject to requirements of Proviso 60.8.*

25     **59.11.** (AG: *Physical Abuse Examinations*) *Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may be*  
26 *expended for physical abuse examinations.*

27     **59.12.** (AG: *Procuring Services*) *In order to maximize services for victims of crime, if the fulfilling of requirements pursuant to*  
28 *Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Crime Victim Compensation Department must*  
29 *follow procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an*  
30 *annual report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and*  
31 *Means Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The*  
32 *Attorney General's Office is directed to transfer \$122,032 of the funds carried forward from the prior fiscal year in the Victims'*  
33 *Compensation Fund, and up to \$41,892 from general funds from Victim's Assistance to pay for any contracts or services procured.*

34     **59.13.** (AG: *Crime Victims Ombudsman*) *For the current fiscal year, the State Crime Victim Compensation Department shall*  
35 *transfer \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.*

1 59.14. (AG: State Crime Victim Compensation Department) For the current fiscal year, The State Crime Victim Compensation  
2 Department may enter into memoranda of agreement with third-party victim service providers to secure emergency medical,  
3 transportation, or other crisis stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight  
4 percent of the total reimbursement to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than  
5 October first of each year, the State Crime Victim Compensation Department shall report to the Governor, the Chairman of the  
6 Senate Finance Committee, and the Chairman of House Ways and Means Committee on the performance of third-party providers  
7 and the use of funds authorized pursuant to this provision in the prior fiscal year.

8 59.15. (AG: State Crime Victim Compensation) A county or municipality may retain carry forward funds that were collected  
9 pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no  
10 more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does  
11 not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208  
12 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year  
13 that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried  
14 forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Office of the Attorney  
15 General within 120 days after the end of the fiscal year. All funds must be accounted for in the annual audit for each county or  
16 municipality.

17 The State Crime Victim Compensation Department shall offer training and technical assistance to each municipality and county  
18 annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

19 The State Crime Victim Compensation Department is authorized to transfer to the State Victim Assistance Program any state funds  
20 deemed available under Crime Victims Compensation authority to the State Victim Assistance Programs be placed in the competitive  
21 bid process.

22 The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim  
23 services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.

24 59.16. (AG: Crime Victim Training Certification and Statistical Analysis) Of the funds appropriated and/or authorized for the  
25 State Crime Victim Compensation Fund, \$75,000 may be used to support the State Crime Victim Training, Certification and  
26 Statistical Analysis Division.

27 59.17. (AG: Crime Victim Services Funeral and Burial Compensation) The Department of Crime Victim Compensation shall set  
28 a funeral and burial compensation maximum of \$6,500.

## 30 SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION

31  
32 60.1.(PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall be paid to each full-time  
33 solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

34 60.2.(PCC: Solicitor Expense Allowance) Each solicitor shall receive ~~five hundred dollars (\$500.00)~~ one thousand dollars  
35 (\$1,000.00) per month as expense allowance.

1       **60.3.**(PCC: Judicial Circuits State Support) The amount appropriated and authorized in this section for Judicial Circuits (16) State  
2 Support shall be apportioned among the circuits. The first \$4,692,961 shall be distributed on a per capita basis based upon the current  
3 official census. The next \$1,179,041 shall be distributed on a pro-rata basis. Payment shall be made as soon after the beginning of  
4 each quarter as practical.

5       **60.4.**(PCC: Solicitor Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, may be carried forward  
6 into the current fiscal year and expended for the operation of the solicitor's office relating to operational expenses.

7       **60.5.**(PCC: Solicitor's Office - County Funding Level) It is the intent of the General Assembly that the amounts appropriated for  
8 solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used  
9 to supplant funding already allocated for such services without any additional charges. If the county reduces the amount of support  
10 provided to solicitors' offices below the level provided in the prior fiscal year, the Solicitor shall notify the Chairman of the Senate  
11 Finance Committee and the Chairman of the House Ways and Means Committee of the amount of such reduced support.

12       **60.6.**(PCC: Solicitors Victim/Witness Assistance Programs) When funds are available, the amount appropriated and authorized  
13 in Part IA, Section 60 for Solicitors Victim/Witness Assistance Programs shall be apportioned among the circuits on a per capita  
14 basis and based upon the current official census. Payment shall be made as soon after the beginning of each quarter as practical.

15       **60.7.** (PCC: CDV Prosecution) The amount appropriated and authorized in this section for Criminal Domestic Violence  
16 Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination  
17 Commission shall collect and retain information and data regarding Criminal Domestic Violence Prosecution and shall include:  
18 the number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General  
19 Assembly with an annual report no later than sixty days after the conclusion of the fiscal year.

20       **60.8.** (PCC: Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be  
21 equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be  
22 distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness  
23 Program in the circuit which shall provide, but not be limited to, the following services:

24       (1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through  
25 disposition.

26       (2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.

27       (3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and  
28 victims' compensation services.

29       (4) Assist in the preparation of victims/witnesses for court.

30       (5) Provide assistance and support to the families or survivors of victims where appropriate.

31       (6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.

32       (7) Promote public awareness of the program and services available for crime victims.

33       The funds may not be used for other victim-related services until the above functions are provided in an adequate manner.

34       It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in solicitors'  
35 offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant  
36 funding already allocated for such services. Any reduction by any county in funding for victim assistance programs in solicitors'

1 offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance  
2 services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds.  
3 The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the  
4 Chairman of the House Ways and Means Committee on October first, for the preceding fiscal year.

5 **60.9.** (PCC: DUI Prosecution) The amount appropriated and authorized in this section for Driving Under the Influence  
6 Prosecution shall be apportioned among the circuits on a pro-rata basis. If not privileged information, the Prosecution Coordination  
7 Commission shall collect and retain information and data regarding Driving Under the Influence Prosecution and shall include: the  
8 number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly  
9 with an annual report no later than sixty days after the conclusion of the fiscal year.

10 **60.10.** (PCC: Violent Crime Prosecution) The amount appropriated and authorized in this section for Violent Crime Prosecution  
11 shall be apportioned pro rata among the circuits. Payment shall be made as soon after the beginning of each quarter as practical.

12 **60.11.** (PCC: Caseload Equalization Funding) The amount appropriated in this Act and authorized for Caseload Equalization will  
13 have the first \$3,450,000 distributed at an amount of \$75,000 per county. The remaining \$4,376,872 shall be distributed based upon  
14 the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

15 **60.12.** (PCC: Summary Court Domestic Violence Fund Distribution) The Summary Court Domestic Violence Prosecution  
16 funding shall be distributed based upon ten percent of the average incoming caseload for each county as reported by the South  
17 Carolina Judicial Department for the prior 3 fiscal years.

18 **60.13.** (PCC: *Electronic Discovery Pilot Program*) **DELETED**

19 **60.14.** (PCC: *Prosecution Case Management IT Systems*) The amount appropriated and authorized in this section for Prosecution  
20 Case Management Systems shall be apportioned among the circuits on a pro-rata basis.

## 21 22 SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

23  
24 **61.1.** (INDEF: Defense of Indigents Formula) The amount appropriated in this act for "Defense of Indigents" shall be  
25 apportioned among counties in accord with Section 17-3-330 of the 1976 Code, but on a per capita basis and based upon the most  
26 current official decennial census of the United States; provided that no county shall receive funding in an amount less than the amount  
27 apportioned to it as of July 1, 2005. The level of contribution of each county as of July 1, 2001, must be maintained. No county  
28 shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Within the amount of  
29 money established for indigent defense services, the State shall set aside \$3,000,000 (Death Penalty Trial Fund) annually for use of  
30 the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, for juveniles facing the possibility of a sentence of life  
31 without parole, and for the expenses of the operation of the Commission on Indigent Defense to include salaries and operations  
32 expenses of the Death Penalty Trial Division. The State also shall set aside \$2,500,000 annually to pay fees and expenses of private  
33 counsel appointed in noncapital cases pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated from the fees imposed  
34 under Sections 14-1-206(C)(4), 14-1-207(C)(6) and 14-1-208(C)(6) and the application fee provided in Section 17-3-30(B), on a  
35 monthly basis, fifty percent must be deposited into the Death Penalty Trial Fund, fifteen percent must be deposited into the Conflict  
36 Fund, and the remaining funds each month must be apportioned among the counties' public defender offices pursuant to Section

1 17-3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year. All applications for the payment  
2 of fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which shall be administered by the  
3 Commission on Indigent Defense. All applications for the payment of fees and expenses of private counsel or expenses of public  
4 defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the Commission on Indigent  
5 Defense. Reimbursement in excess of the hourly rate and limit set forth in Section 17-3-50 is authorized only if the court certifies,  
6 in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is  
7 necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is  
8 appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not  
9 obtained, no additional fees shall be paid under any circumstances.

10 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the  
11 representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant  
12 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed  
13 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the  
14 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the  
15 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall  
16 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of  
17 the court is not obtained, no additional expenses shall be paid under any circumstances.

18 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established  
19 by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the  
20 Senate Finance Committee and the House Ways and Means Committee.

21 **61.2.** (INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Section 117.5, no money  
22 appropriated pursuant to Defense of Indigents shall be used to compensate any state employees appointed by the court as examiners,  
23 guardians ad litem or attorneys nor shall such funds be used in payment to any state agency for providing such services by their  
24 employees.

25 **61.3.** (INDEF: Appellate Conflict Fund) The purpose of the Appellate Conflict Fund is to provide money to pay attorneys for  
26 representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for  
27 appellate use in conflict cases shall be administered by the Commission on Indigent Defense. The Office of Appellate Defense must  
28 first determine that it is unable to provide representation. Fees shall be \$40 per hour for out of court work and \$60 for in court work,  
29 with a maximum of \$3,500 per case for noncapital appeals. Fees shall be \$50 per hour for out of court work and \$75 per hour for in  
30 court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and  
31 approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and  
32 other support functions currently provided from their resources. On June thirtieth of each year, the Commission on Indigent Defense  
33 shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay outstanding vouchers  
34 in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

35 **61.4.** (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under "SC Appellate Court Rule 608  
36 Appointments" shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate



1 Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict appointments to  
2 reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608  
3 Appointments funds may not be transferred or used for any other purpose.

4 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for “Termination of Parental  
5 Rights” cases and “Abuse and Neglect” cases to reimburse private attorneys who are appointed by the Family Court to represent  
6 guardians ad litem, children, or parents under the provisions of S.C. Code Sections 20-7-110 et seq., 20-7-1570 et seq., 20-7-1695  
7 (A)(2) et seq., 20-7-7205 et seq., and 20-7-8705 (4)(a) et seq.; for “Probate Court Commitment” cases to reimburse private attorneys  
8 who are appointed by the Probate Court to represent indigent persons; and for “Sexually Violent Predator” cases to reimburse private  
9 attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private  
10 counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty  
11 dollars per hour or reimbursement may also be made on the basis of a set (flat) fee. The method of payment and the amount of the  
12 set fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed two thousand dollars for any case  
13 under which such private attorney is appointed.

14 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital Post  
15 Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended  
16 out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The method of payment and  
17 amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand  
18 dollars in any single case.

19 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital criminal  
20 cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars  
21 per hour for time expended out of court and sixty dollars per hour for time expended in court, or on the basis of a set (flat) fee. The  
22 method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not  
23 exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

24 Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order  
25 with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide  
26 reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because  
27 the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional  
28 fees shall be paid under any circumstances.

29 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the  
30 representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant  
31 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed  
32 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the  
33 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the  
34 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall  
35 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of  
36 the court is not obtained, no additional expenses shall be paid under any circumstances.

1 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established  
2 by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the  
3 Senate Finance Committee and the House Ways and Means Committee.

4 A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" may be used by the Commission on  
5 Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil and criminal court appointments,  
6 to be reimbursed in accordance with applicable provisos and statutes.

7 **61.5.** (INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and utilize  
8 any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment Fund at the  
9 end of the prior fiscal year.

10 **61.6.** (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public  
11 defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected  
12 by the clerk of court and sent on a monthly basis to the Commission on Indigent Defense. However, if a defendant fails to pay this  
13 fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid  
14 over before any other fees.

15 **61.7.** (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any  
16 termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the  
17 person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be  
18 completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private  
19 counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent  
20 Defense.

21 (B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit  
22 that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official  
23 for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may  
24 be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived  
25 or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method  
26 as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this  
27 section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an  
28 interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be  
29 administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all  
30 persons applying for representation and the disposition of the application and shall provide this information to the Commission on  
31 Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

32 (C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above  
33 affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents  
34 or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said  
35 juvenile.

1 (D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where  
2 existing statutes do not provide sufficient time for an individual to complete the application process.

3 (E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is  
4 provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a  
5 voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

6 (F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing  
7 of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of  
8 such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that  
9 judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by  
10 this provision.

11 **61.8.** (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the  
12 Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's  
13 budget for purposes of calculating budget reductions.

14 **61.9.** (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head  
15 requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General  
16 Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the agency  
17 reporting requirements.

18 **61.10.** (INDEF: Donation Carry Forward) The Commission on Indigent Defense may accept donations for the publication of  
19 "The South Carolina Juvenile Collateral Consequences Checklist." All revenue derived from donations received at the Commission  
20 on Indigent Defense shall be retained, carried forward and expended according to agreement reached between the donor, or donors,  
21 and the Commission on Indigent Defense.

22 **61.11.** (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the  
23 commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to  
24 include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

25 The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of  
26 the system, including but not limited to the selection and compensation of contract awardees.

27 **61.12.** (INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal court  
28 system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court  
29 unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no  
30 funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.

31  
32 **SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION**

33  
34 **62.1.** (SLED: Special Account Carry Forward) Funds awarded to the State Law Enforcement Division by either court order or  
35 from donations or contributions shall be deposited in a special account with the State Treasurer, and shall be carried forward from  
36 year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the said order, donations or

1 contributions, if specified, and if not specified, as may be directed by the Chief of the State Law Enforcement Division. Funds  
2 expended from the special account must be annually reported by October first to the Senate Finance Committee and the Ways and  
3 Means Committee.

4 **62.2.** (SLED: Computer/Communications Center Carry Forward) Revenue generated from the operation of the division's  
5 criminal justice computer/communications center and not expended during the prior fiscal year may be carried forward and expended  
6 for the same purpose during the current fiscal year.

7 **62.3.** (SLED: Agents Operations Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA,  
8 subsection 62 of the section "Agents Operations" may be carried forward and expended for the same purpose in the current fiscal  
9 year.

10 **62.4.** (SLED: Match for Federal Grants Carry Forward) State appropriations to SLED that are required to provide match for  
11 federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose  
12 as originally appropriated.

13 **62.5.** (SLED: Clothing Allowance) The State Law Enforcement Division is hereby authorized to provide agents and criminalists  
14 with an annual clothing allowance (on a pro rata basis) not to exceed \$600 per agent/criminalist for required clothing used in the line  
15 of duty.

16 **62.6.** (SLED: Witness Fee) The State Law Enforcement Division is hereby authorized to charge a witness fee of \$130.00 per  
17 hour up to \$1,000 per day for each employee testifying in civil matters which do not involve the State as a part in interest. This fee  
18 shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and  
19 deposited into a designated revenue account.

20 **62.7.** (SLED: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for  
21 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

22 **62.8.** (SLED: Meals in Emergency Operations) The State Law Enforcement Division may provide meals to employees of SLED  
23 who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises  
24 and when the Governor declares a state of emergency.

25 **62.9.** (SLED: Hazardous Materials Security Detail) The State Law Enforcement Division (SLED) is authorized to be reimbursed  
26 for security related law enforcement services provided to entities authorized to transport sensitive materials within the borders of  
27 South Carolina. SLED shall determine all costs associated with security details and is authorized to coordinate the collection,  
28 retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated with  
29 minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security initiatives.

30 **62.10.** (SLED: Sex Offender Registry Fee) Each Sheriff is authorized to charge and collect an annual amount of one hundred  
31 fifty dollars from each sex offender required to register by law. If such sex offender has been declared indigent by the Sheriff of the  
32 county in which the offender must register and provides proof of the declaration at the time of registration, the fee will automatically  
33 be waived. If an offender is not declared indigent and fails to pay the fee, he is officially declared unregistered. This fee shall be  
34 divided between the Sheriffs and the State Law Enforcement Division with one hundred dollars of the fee retained by the Sheriffs  
35 and the remaining fifty dollars remitted by the Sheriffs to SLED on a quarterly basis. These funds must be used to support the  
36 Statewide Sex Offender Registry.

- 1       **62.11.** (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge  
2 private detective companies, individual private detectives, private security companies, armed security guards, and proprietary  
3 security companies a fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based  
4 criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement  
5 Division.
- 6       **62.12.** (SLED: CWP Instructors Certification) The State Law Enforcement Division is authorized to charge one hundred dollars  
7 for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for each  
8 renewal. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.
- 9       **62.13.** (SLED: Expungement Requests) The State Law Enforcement Division is authorized to collect a twenty-five dollar  
10 expungement fee for each request to expunge criminal records. These funds shall be used to offset the operational and research  
11 expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward  
12 these funds. Persons found not guilty by a court of competent jurisdiction or where charges have been dismissed or nolle prossed  
13 shall be excluded from the fee requirement.
- 14       **62.14.** (SLED: Retention of Funds Reimbursed by State or Federal Agencies) The State Law Enforcement Division is authorized to  
15 collect, expend, retain, and carry forward all funds received from other state or federal agencies in the current fiscal year as  
16 reimbursement of expenditures incurred in the current or prior fiscal year.
- 17       **62.15.** (SLED: Monies Associated with Illegal Gaming Devices) The State Law Enforcement Division is authorized to retain,  
18 expend, and carry forward all monies associated with illegal gaming devices seized by the division, once orders of destruction and  
19 awarding of these monies have been received from a court of competent jurisdiction.
- 20       **62.16.** (SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for  
21 private detective businesses, private security businesses, including employees of these businesses, and companies which provide  
22 private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise approved  
23 by the General Assembly. From the funds collected from these fees, the State Law Enforcement Division must transfer \$480,000 to  
24 the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex area.
- 25       **62.17.** (SLED: Criminal Record Search Fees) The State Law Enforcement Division is authorized to charge and collect a fee of  
26 eight dollars for a criminal record search for local park and recreation volunteers through a commission, municipality, county, or the  
27 South Carolina Department of Parks, Recreation, and Tourism. Any organization that is authorized to receive the reduced fee must  
28 not charge the volunteer, mentor, member, or employee more than the eight dollars or any additional fee that is not required by the  
29 State Law Enforcement Division. All criminal record searches conducted under this provision must be for a volunteer, mentor,  
30 member or employee performing in an official capacity of the organization and must not be resold.
- 31       **62.18.** (SLED: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the  
32 State Law Enforcement Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the  
33 Chief, and providing funds are available.
- 34       **62.19.** (SLED: Meth Lab Clean Up Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year, in the  
35 special line "Meth Lab Clean Up" may be carried forward and expended for agency law enforcement operations in the current fiscal  
36 year.

1       **62.20.** (SLED: CWP Renewal and Replacement) A concealed weapons permit may not be suspended by a state official, agent, or  
2 employee supported by state funds if the permit holder has initiated a renewal or replacement application and the processing and  
3 issuance of a renewal or replacement permit is delayed for administrative reasons. A concealed weapons permit remains valid during  
4 the pendency of the renewal or replacement process so long as the application for replacement renewal is submitted prior to the  
5 expiration of the permit.

6       **62.21.** (SLED: Drug Lab Electronic Mandatory Reporting System) Of the funds appropriated for Meth Lab Clean Up, the State  
7 Law Enforcement Division is authorized to expend such funds for the development and implementation of a statewide electronic  
8 mandatory reporting system for municipal, county and state governmental entities to report information, as directed by the State Law  
9 Enforcement Division, pertaining to the discovery or seizure of methamphetamine laboratories and dumpsites.

10       **62.22.** (SLED: Mandatory Meth Lab Reporting) If a municipal, county, or state governmental entity locates, finds, or seizes a  
11 methamphetamine laboratory or dumpsite within the State, the governmental entity shall report the incident within three business  
12 days to the State Law Enforcement Division.

13       The State Law Enforcement Division shall determine the reporting mechanism and is authorized to request, receive, catalogue,  
14 classify, and maintain all information it determines necessary pertaining to the laboratory or dumpsite including, but not limited to,  
15 the location, the type of manufacturing method used, and suspect information. The State Law Enforcement Division shall maintain  
16 information related to these governmental reports on its website, which must be made available to the public, and is authorized to  
17 use funds appropriated for Meth Lab Clean Up towards the prudent maintenance of information reported.

18       A governmental entity that fails to report information to the State Law Enforcement Division pursuant to this proviso is ineligible  
19 to receive public safety grants that are funded through the South Carolina Public Safety Coordinating Council pursuant to Section  
20 23-6-520(2) of the 1976 Code.

21       **62.23.** (SLED: First Responder PTSD Treatment) From the funds provided for First Responder PTSD Treatment, the State Law  
22 Enforcement Division shall distribute fifty percent to the South Carolina Law Enforcement Assistance Program to reimburse law  
23 enforcement officers who incur mental injury as a result of a critical incident during the scope of employment for actual out-of-pocket  
24 expenses not covered through worker's compensation claims and/or other insurance and can also be utilized to provide services  
25 through the South Carolina Law Enforcement Assistance Program. The State Law Enforcement Division shall distribute fifty percent  
26 to the South Carolina State Firefighters Association for the South Carolina Firefighter Assistance Support Team to reimburse  
27 firefighters and emergency medical technicians who incur mental injury as a result of a critical incident during the scope of  
28 employment for actual out-of-pocket expenses not covered through worker's compensation claims and/or other insurance and can  
29 also be utilized to provide services through the South Carolina Firefighter Assistance Support Team. The State Law Enforcement  
30 Division shall promulgate any administrative regulations necessary to carry out the provisions of this section.

## 31 32 SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY

33  
34       **63.1.** (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for  
35 maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General

1 Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public entities  
2 to defray the actual expenses incurred for services provided by the Department of Public Safety.

3 **63.2.** (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend,  
4 retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration  
5 fees for private detective businesses, private security businesses, including employees of these businesses, and companies which  
6 provide private security on their own premises. The funds transferred are to be used in the Bureau of Protective Services Program  
7 to provide security for state agencies and the Capitol Complex.

8 **63.3.** (DPS: Motor Carrier Advisory Committee) From the funds appropriated and/or authorized to the Department of Public  
9 Safety and the Department of Motor Vehicles, the departments are directed to jointly establish a Motor Carrier Advisory Committee  
10 to solicit input from the Trucking Industry and other interested parties in developing policies and procedures for the regulation of  
11 this industry. The members of the advisory committee shall serve without compensation.

12 **63.4.** (DPS: Sale of Real Property) ~~At such time as any portion of the Laurens Road property in Greenville is declared to be~~  
13 ~~surplus by the agency or agencies which occupy said portion, and after receiving approval from the Department of Administration~~  
14 ~~or State Fiscal Accountability Authority, for the sale of the property, the Department of Public Safety, the Department of~~  
15 ~~Transportation, and the Department of Motor Vehicles are authorized to receive, retain, expend, and carry forward funds derived~~  
16 ~~from the sale of the real property in which each agency holds an interest or title. No portion of the property may be declared as~~  
17 ~~surplus by one agency if another agency is occupying said property. The Department of Public Safety is directed to use these funds~~  
18 ~~to defray the operating expenses of the Highway Patrol and the Department of Transportation and the Department of Motor Vehicles~~  
19 ~~are directed to use their portion of these funds for department operating expenses.~~

20 **63.5.** (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation,  
21 Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where  
22 critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required  
23 rest.

24 **63.6.** (DPS: SC Law Enforcement Officers Hall of Fame Scholarships) The Department of Public Safety is hereby authorized  
25 to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in the line of  
26 duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria for awarding  
27 such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained, carried forward,  
28 and expended for the same purpose.

29 **63.7.** (DPS: Body Cameras) The Department of Public Safety is authorized to retain and carry forward unexpended funds  
30 associated with body cameras from the prior fiscal year into the current fiscal year and expend those funds for the same purpose.

31 **63.8.** (DPS: Overtime Pay) ~~For Fiscal Year 2017-18, the department is authorized and required to pay current non-exempt law~~  
32 ~~enforcement officers by October first for any compensatory time earned and not used in the prior fiscal year. The funds for this~~  
33 ~~compensation must be provided from available personal services and/or employer contributions funds carried forward from the prior~~  
34 ~~fiscal year. If the amount of carried forward funds is not sufficient to pay all the non-exempt law enforcement officers accrued~~  
35 ~~compensatory time, the agency shall pay the officers on a percentage distribution based on the hours owed per officer up to the total~~  
36 ~~amount that the agency has carried forward.~~

1     **SECTION 64 -N200 - LAW ENFORCEMENT TRAINING COUNCIL**

2

3     **64.1.** (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law  
4 Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal  
5 year for expenditures incurred in the prior fiscal year.

6     **64.2.** (LETC: CJA-Retention of Emergency Expenditure Refunds) The Law Enforcement Training Council, Criminal Justice  
7 Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the  
8 current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are  
9 mobilized and expenses incurred due to an emergency.

10     **64.3.** (LETC: CJA-Unexpended FY 2017-18 General Funds) The Law Enforcement Training Council, Criminal Justice  
11 Academy, is authorized to carry forward unexpended general funds from the prior fiscal year into the current fiscal year to complete  
12 Village Dorm restroom repairs and technology upgrades for the training program.

13

14     **SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS**

15

16     **65.1.** (CORR: Canteen Operations) Revenue derived wholly from the canteen operations within the Department of Corrections  
17 on behalf of the inmate population, may be retained and expended by the department for the continuation of the operation of said  
18 canteens and the welfare of the inmate population or, at the discretion of the Director, used to supplement costs of operations. The  
19 canteen operation is to be treated as an enterprise fund within the Department of Corrections and is not to be subsidized by state  
20 appropriated funds.

21     **65.2.** (CORR: E.H. Cooper Trust Fund) Any unclaimed funds remaining in any inmate account, after appropriate and necessary  
22 steps are taken to determine and contact a rightful owner of such funds, shall be deposited into the Inmate Welfare Fund.

23     **65.3.** (CORR: Instructional Salaries) The certified instructional personnel of the Department of Corrections shall receive a  
24 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel  
25 throughout the State.

26     **65.4.** (CORR: Funding Through State Criminal Assistance Program) All funds received by the State from the United States  
27 Department of Justice, State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state correctional  
28 facilities shall be retained by the South Carolina Department of Corrections to offset incurred expenses.

29     **65.5.** (CORR: Remedial Education Funding) A criminal offender committed to the custody of the Department of Corrections,  
30 who has been evaluated to function at less than an eighth grade educational level, or less than the equivalent of an eighth grade  
31 educational level, may be required by department officials to enroll and actively participate in academic education programs. Funds  
32 appropriated to the Department of Corrections for educational programs shall be prioritized to assure such remedial services are  
33 provided.

34     **65.6.** (CORR: Tire Retreading Program Restriction) The tire retreading program at the Lieber Correctional Institution shall be  
35 limited to the marketing and sale of retreads to state governmental entities.



1     **65.7.** (CORR: Social Security Administration Funding) All funds received by the South Carolina Department of Corrections  
2 from the Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides payment for  
3 information regarding incarcerated Social Security Insurance recipients, shall be retained by the South Carolina Department of  
4 Corrections and credited to a fund entitled “Special Social Security” for the care and custody of inmates housed in the state  
5 correctional facilities.

6     **65.8.** (CORR: Medical Expenses) The Department of Corrections shall be authorized to charge inmates a nominal fee for any  
7 medical treatment or consultation provided at the request of or initiated by the inmate. A nominal co-pay shall be charged for  
8 prescribed medications. Inmates shall not be charged for psychological or mental health visits.

9     **65.9.** (CORR: Prison Industry Funds) The Director of the Department of Corrections, at his discretion, is hereby authorized to  
10 utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs  
11 of operations. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same  
12 purpose.

13     **65.10.** (CORR: Reimbursement for Expenditures) The Department of Corrections may retain for general operating purposes any  
14 reimbursement of funds for expenses incurred in a prior fiscal year.

15     **65.11.** (CORR: Sale of Real Property) Funds generated from the sale of real property owned by the Department of Corrections  
16 shall be retained by the department to offset renovation and maintenance capital expenditures.

17     **65.12.** (CORR: Funds From Vehicle Cleaning) Monies generated by inmates engaged in the cleaning and waxing of private  
18 vehicles, or any other adult work activity center, shall be placed in a special account and utilized for the welfare of the inmate  
19 population.

20     **65.13.** (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of prisoners  
21 who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom Section  
22 24-13-150(A) of the 1976 Code applies, on the first day of the month in which their sentences expire, and if the first day of the month  
23 falls on a Saturday, Sunday, or a legal holiday, such prisoners may be released on the last weekday prior to the first of the month  
24 which is not a holiday.

25     **65.14.** (CORR: Western Union Funding) All funds received by the South Carolina Department of Corrections from the Western  
26 Union Quick Collect Revenue Sharing Program or similar private sector entities, which provides payment for processing electronic  
27 transfers into the E.H. Cooper Trust Fund, shall be retained by the South Carolina Department of Corrections and credited to a fund  
28 entitled “Inmate Welfare Fund” to be expended for the benefit of the inmate population.

29     **65.15.** (CORR: Monitoring Fees) The Department of Corrections is authorized to charge an inmate who participates in community  
30 programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not exceed the  
31 actual cost of the monitoring.

32     **65.16.** (CORR: Inmate Insurance Policies) The Department of Corrections may collect and record private health insurance  
33 information from incarcerated individuals. The department may file against any private insurance policy covering an inmate to  
34 recoup any health care expenditures covered by the policy. Health care will be provided in accordance with law and standards  
35 regardless of whether or not an inmate is covered by insurance.

1       **65.17.** (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a \$4.00  
2 per day transportation fee to participants in the work release program only when such transportation is provided by the department.  
3 Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund transportation of  
4 work release participants and vehicle replacement for the work release program.

5       **65.18.** (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the Department  
6 of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for certain employees  
7 assigned to institutions with a Level II or Level III security designation. The funds are to be used for special assignment pay only  
8 and may not be transferred to any other program. If the employee leaves one of the qualifying job classes or leaves a Level II or  
9 Level III institution for a non-Level II or non-Level III facility, they shall no longer be eligible for this special assignment pay. Only  
10 employees in full-time equivalent positions are eligible for this special assignment pay.

11       The special assignment pay is not a part of the employee's base salary and is as determined by the Director of the Department of  
12 Corrections at Level II and Level III institutions:

- 13       (1) Cadets;
- 14       (2) Correctional Officers, including Class Code JD-30 (Officer I and II positions);
- 15       (3) Corporals I and II;
- 16       (4) Sergeants and Lieutenants;
- 17       (5) Captains and Majors;
- 18       (6) Nursing Staff;
- 19       (7) Food Services Staff; and
- 20       (8) Warden.

21       **65.19.** (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the  
22 Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

23       For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland Correctional  
24 Institution to the hours of 8:00 a.m. to 1:00 p.m., Monday through Friday, excluding holidays, and at the Perry and Lieber Correctional  
25 Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through Friday, excluding holidays.

26       By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish an  
27 alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

28       At the time of transfer of the inmate to the department, the county shall provide the sentencing order, and if available copies of  
29 medical screening records, booking reports, and other documents to assist the department in its intake processing. Counties that have  
30 not completed medical screenings at the time of transfer shall not be required to do so.

31       In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a  
32 "jail" within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly sentenced  
33 state inmates who are awaiting R & E processing. The department may operate such "jail," to the extent feasible, in accordance with  
34 standards applicable to the local jails.

1 The department shall use the funds appropriated in this act for "Quota Elimination" to accomplish this initiative and to open a  
2 96-bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The funds  
3 may not be transferred to any other program or used for any other purpose.

4 **65.20.** (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, item 23, shall be used to  
5 construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber,  
6 McCormick, Leath, Perry, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials  
7 or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director  
8 may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and  
9 engineering costs.

10 **65.21.** (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections,  
11 shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

12 **65.22.** (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976  
13 Code are suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court of  
14 South Carolina.

15 **65.23.** (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses  
16 for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation, including  
17 transportation, through the deceased inmate's E.H. Cooper account, providing funds are available.

18 **65.24.** (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences  
19 greater than ninety days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported  
20 to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for  
21 jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required  
22 commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable  
23 documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of  
24 Probation, Parole and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall  
25 obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above  
26 referenced inmates from the \$250 DNA fee as required by Section 23-3-670 of the 1976 Code. The \$250 fee shall be collected in  
27 the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

28 **65.25.** (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge to  
29 all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be  
30 added to the cost per call, collected by chosen telephone vendor and paid to the department on a monthly basis. The department is  
31 authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone  
32 interdiction or retrieval. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the  
33 cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the prior  
34 fiscal year into the current fiscal year and be used for the same purpose.

35 **65.26.** (CORR: Correctional Institution Maintenance and Construction) For maintenance and construction activities funded in the  
36 current fiscal year, the Department of Corrections may utilize inmate labor to perform any portion of the work on its own grounds

1 and facilities. The provisions of Section 40-11-360(A)(9) of the 1976 Code shall apply to any such project, including new  
2 construction.

3 **65.27.** (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who  
4 are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, or when  
5 the Governor declares a state of emergency.

6 **65.28.** (CORR: Prohibition on Funding Certain Surgery) (A) The Department of Corrections is prohibited from using state funds  
7 or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking hormonal  
8 therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide this therapy  
9 to the person as long as medically necessary for the health of the person.

10 (B) As used in this provision:

11 (1) 'Hormonal therapy' means the use of hormones to stimulate the development or alteration of a person's sexual  
12 characteristics in order to alter the person's physical appearance so that the person appears more like the opposite gender;

13 (2) 'Sexual reassignment surgery' means a surgical procedure to alter a person's physical appearance so that the person  
14 appears more like the opposite gender.

15 **65.29.** (CORR: CBD Pilot Program) **DELETED**

16 **65.30.** (CORR: Video Bond Conferencing) *In the current fiscal year, and from the funds appropriated to the Department of*  
17 *Corrections, the video conferencing bond system shall be used for all bond hearings for inmates incarcerated at facilities with video*  
18 *conferencing capabilities that are compatible with county video conferencing equipment, network, firewalls, etc. and charged with*  
19 *criminal offenses that require a bond hearing. The Department of Corrections shall not be responsible for recording any of these*  
20 *proceedings or for providing the counties with any equipment.*

## 22 SECTION 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES

23  
24 **66.1.** (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the  
25 sale of various equipment in excess of \$575, less the cost of disposition incurred by the Department of Administration, may be  
26 retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

27 **66.2.** (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the  
28 department, not to exceed the department's actual costs, to offenders applying for transfers out of or into the state under the Interstate  
29 Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended  
30 funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

31 **66.3.** (DPPP: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into agreements  
32 with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to  
33 offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within  
34 six months of obtaining their GED.

35 **66.4.** (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is authorized  
36 to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex offender

1 monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, Sex  
2 Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward  
3 authorized by provision elsewhere in this act.

4 **66.5.** (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50,  
5 for the purpose of drug testing. If it is determined that the offender is indigent, this fee must be waived. The fee shall be retained by  
6 the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the  
7 department to be expended for the same purpose.

8 **66.6.** (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender  
9 placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public  
10 Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process.  
11 The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
12 Means Committee on the number of offenders who were assessed the set-up fee and the amount of funds collected.

#### 13 14 SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE

15  
16 **67.1.** (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall  
17 be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias  
18 and food service programs.

19 **67.2.** (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried  
20 forward into the current fiscal year by the agency and expended for the operation of the program.

21 **67.3.** (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of the  
22 Department of Juvenile Justice may be retained by the department and utilized for the benefit of those children. Such funds may be  
23 carried forward into the following fiscal year.

24 **67.4.** (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a  
25 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel  
26 throughout the State.

27 **67.5.** (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes  
28 any reimbursement of funds for expenses incurred in a prior fiscal year.

29 **67.6.** (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the  
30 Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing  
31 juvenile arbitration services through the sixteen Judicial Circuit Solicitors' offices in the state and used to fund necessary  
32 administrative and personnel costs for the programs.

33 The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up  
34 to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent adherence  
35 to established statewide program guidelines to assess program performance.

1 The \$250,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary  
2 administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor and  
3 provide support to this program.

4 All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

5 **67.7.** (DJJ: Sale of Real Property) After receiving approval from the Department of Administration or State Fiscal Accountability  
6 Authority, for the sale of property, the department is authorized to retain revenues associated with the sale of department-owned real  
7 property and may expend these funds on capital improvements reviewed by the Joint Bond Review Committee and approved by the  
8 State Fiscal Accountability Authority.

9 **67.8.** (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber suitable  
10 for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State Forester  
11 to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber sales shall be  
12 retained and utilized for family support services after setting aside a reasonable amount, as determined by the State Forester, for  
13 reforestation of the lands from which the trees and timber are sold.

14 **67.9.** (DJJ: Drug Free Workplace) The critical mission of the Department of Juvenile Justice requires a safe and drug free work  
15 environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing and  
16 random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

17 **67.10.** (DJJ: Definition of Juveniles) The Department of Juvenile Justice is authorized to place juveniles in marine and wilderness  
18 programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services in these  
19 community residence programs must either be referred to such a program by the Family Court as a condition of probation, released  
20 to such a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to such a program by the  
21 Department of Juvenile Justice.

22 **67.11.** (DJJ: Adult Education - GED) Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but  
23 not yet completed, a GED educational program while at the department, at the discretion of the local school district, upon release  
24 from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their  
25 appropriate grade placement, or allowed to enroll in that district's or county's adult education program. If enrolled in an adult  
26 education program, the juvenile's eligibility for taking the GED shall be based upon the regulations promulgated by the Department  
27 of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

28 **67.12.** (DJJ: Local District Effort) Upon commitment or confinement to a Department of Juvenile Justice facility, the school  
29 district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (thirty  
30 percent), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to  
31 out-of-district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a  
32 department facility. EFA funding for school districts is provided for a one hundred eighty day school year. The billing provided by  
33 the department shall be calculated by dividing the  
34 local base student cost by two hundred twenty-five days to determine the daily rate. The department shall notify the school district  
35 in writing within forty-five calendar days that a student from the nonresident district is receiving education services pursuant to this  
36 provision. The notice shall also contain the student's name, date of birth, disabling condition if available, and dates of service.

1 The invoice shall be paid within sixty days of billing, provided the department has provided a copy of the invoice to both the  
2 superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within  
3 sixty days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA  
4 funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If  
5 adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain  
6 an appropriate level of service.

7 **67.13.** (DJJ: Early Release Authorization) In order to avoid unconstitutional levels of overcrowding and other unconstitutional  
8 conditions from occurring in facilities operated by the department and in residential programs operated for the department, the  
9 number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who  
10 are under the department's supervision) shall not exceed the number of beds available to the department to house them. Should  
11 appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be  
12 unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release  
13 from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a  
14 misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for violation  
15 of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature  
16 and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed in these residential  
17 placements does not exceed the number of housing units/beds available to properly house those children. No child adjudicated  
18 delinquent for a violent crime as defined in Section 16-1-60 of the 1976 Code, a felony offense as defined in Section 16-1-90 of the  
19 1976 Code, or a sexual offense shall be released pursuant to this proviso.  
20

21 **SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION**

22  
23 **70.1.** (HAC: Human Affairs Forum Carry Forward) All revenue derived from donations and registration fees received for  
24 attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of the  
25 Human Affairs Commission.

26 **70.2.** (HAC: Training Revenue) All revenue derived from fees received from training and technical assistance provided by the  
27 Human Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of  
28 general operations of the Human Affairs Commission.

29 **70.3.** (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final  
30 opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the  
31 Human Affairs Commission.

1     **SECTION 71 - L460 - COMMISSION FOR MINORITY AFFAIRS**

2

3     **71.1.** (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums, training,  
4 and institutes may be retained and expended by the commission for the said purpose. Any remaining balance may be carried forward  
5 and expended for the same purpose.

6     **71.2.** (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes may  
7 be retained and carried forward for the purpose of conducting future training and institutes.

8     **71.3.** (CMA: Carry Forward Grant Awards) Revenues pooled from public and private sources for the purpose of awarding grants  
9 to address problems in the minority community may be retained and carried forward by the commission.

10     **71.4.** (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to  
11 Section 12-21-4200(3) of the 1976 Code which are not expended during that fiscal year may be carried forward to be expended in  
12 the current fiscal year.

13     **71.5.** (CMA: Retention of Photocopy Fees) Revenue derived from photocopy fees and other fees related to Freedom of  
14 Information Act requests from the general public may be retained and carried forward by the Commission.

15

16     **SECTION 72 - R040 - PUBLIC SERVICE COMMISSION**

17

18     **72.1.** (PSC: Power Purchase Agreements) With funds appropriated and authorized in the current fiscal year, the Public Service  
19 Commission shall (1) determine what contract length for power purchase agreements between electrical utilities and qualifying  
20 facilities (as defined in the Public Utility Regulatory Policies Act (Pub.L. 95-617, 92 Stat. 3117) (PURPA) is necessary to give such  
21 facilities a reasonable opportunity to attract capital; (2) adopt model power purchase agreements for such transactions that contain  
22 commercially reasonable terms and conditions, including a prohibition on uncompensated curtailment of qualifying facilities except  
23 as authorized by PURPA; (3) require electrical utilities to compensate a qualifying facility for all capacity costs avoided by the  
24 utility as a result of the construction and operation of the facility; and (4) prohibit an electrical utility from charging or reducing the  
25 price paid to a qualifying facility based on costs incurred by the electrical utility to respond to the intermittent nature of electrical  
26 generation by the facility.

27

28     **SECTION 73 - R060 - OFFICE OF REGULATORY STAFF**

29

30     **73.1.** (ORS: Transportation Fee Refund) The Transportation Department of the Office of Regulatory Staff is hereby authorized  
31 to make refunds of fees which were erroneously collected.

32     **73.2.** (ORS: Assessment Certification) Office of Regulatory Staff shall certify to the Department of Revenue the amounts to be  
33 assessed to cover appropriations in this section as follows: (1) the amount applicable to the assessment on public utility, telephone  
34 utility, radio common carrier and electric utility companies as provided for by Section 58-4-60, Code of Laws of 1976, (2) the amount  
35 to be assessed against gas utility companies as provided for in Section 58-5-940, Code of Laws of 1976, (3) the amount to be assessed  
36 against electric light and power companies as provided for in Sections 58-4-60 and 58-27-50, Code of Laws of 1976, and (4) the



1 amount to be covered by revenue from motor transport fees as provided for by Section 58-23-630, and other fees as set forth in  
2 Section 58-4-60, Code of Laws of 1976. The amount to be assessed against railroad companies shall consist of all expenses related  
3 to the operations of the Railway subprogram of the Agency's Transportation Division, to include the related distribution of salary  
4 increments and employer contributions not reflected in the related subprogram of this act as set forth in Section 58-4-60, Code of  
5 Laws of 1976.

6 **73.3.** (ORS: Assessment Adjustments) If the Office of Regulatory Staff determines that a person or entity subject to Title 58 of  
7 the 1976 Code has been assessed an amount greater than that authorized by Sections 58-4-60, 58-3-100 and 58-3-540, the Office of  
8 Regulatory Staff shall, at its discretion:

- 9 (a) refund the person or entity the amount of over collection using funds from the current fiscal year;  
10 (b) refund the person or entity the amount of over collection using any unexpended funds from the prior fiscal year;  
11 (c) credit the amount the person or entity will be assessed in the next fiscal year for the amount of over collection; or  
12 (d) any combination of these.

13 The Office of Regulatory Staff, when determining the amount to be assessed in the next fiscal year, may take into consideration  
14 any underpayment or overpayment by a person or entity during a given year. Any unexpended funds from revenue generated pursuant  
15 to this section may be retained and carried forward and expended for the same purposes.

16 **73.4.** (ORS: SSEB Annual Dues) The annual dues of the Southern States Energy Board shall be paid from the Radioactive Waste  
17 Operating Fund.

18 *73.5. (ORS: Acting Executive Director) When the position of agency head at any of the state's various agencies is vacant, the*  
19 *General Assembly finds that a person acting in the capacity of acting agency head has the full legal authority to take any and all*  
20 *official actions to fulfill the duties and responsibilities of agency head until such time as the vacancy has been filled. Therefore, the*  
21 *acting Executive Director of the Office of Regulatory Staff is authorized to exercise all of the powers and duties of the Executive*  
22 *Director, as designated in statute, and as otherwise may be required to fulfill the Office Regulatory Staff's statutory responsibilities*  
23 *until such time as the previous Executive Director's successor is appointed by the Governor. Further, the General Assembly hereby*  
24 *ratifies any and all official decisions made by the acting Executive Director between January 15, 2018 and June 30, 2018.*  
25

## 26 SECTION 74 - R080 - WORKERS' COMPENSATION COMMISSION

27  
28 **74.1.** (WCC: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be  
29 used for the printing of educational materials and other expenses related to conducting the seminar.

30 **74.2.** (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all revenues  
31 received as a result of a ~~\$25.00~~ \$50.00 filing fee for each requested hearing, settlement, or motion. If it is determined that the  
32 individual is indigent, this filing fee must be waived.

1     **SECTION 75 - R120 - STATE ACCIDENT FUND**

2

3         **75.1.** (SAF: Educational Seminar Revenue) The State Accident Fund is authorized to set and collect fees for educational  
4 seminars. All revenue earned from educational seminars shall be retained by the agency and used for supplies, materials, and other  
5 expenses relating to the seminars.

6

7     **SECTION 78 - R200 - DEPARTMENT OF INSURANCE**

8

9         **78.1.** (INS: Examiners Travel/Subsistence Reimbursement) Notwithstanding the limitations in this act as to amounts payable or  
10 reimbursable for lodging, meals, and travel, the Department of Insurance is authorized to reimburse department examiners in  
11 accordance with guidelines established by the National Association of Insurance Commissioners only when the State is reimbursed  
12 by an insurance company for the travel and subsistence expenses of Insurance Department examiners pursuant to Section 38-13-10  
13 of the 1976 Code.

14         **78.2.** (INS: Reimbursement Carry Forward) Reimbursements received for Data Processing Services, Revenue, Miscellaneous  
15 Revenue and Sale of Listings and Labels shall be retained for use by the department. These funds may be carried forward in the  
16 current fiscal year.

17         **78.3.** (INS: Fees for Licenses) The Department of Insurance shall be authorized to charge a twenty-five dollar initial producer  
18 license fee; a twenty-five dollar biennial producer license renewal fee; and a two hundred-fifty dollar penalty fee for late appointment  
19 renewals. The director shall specify the time and manner of payment of these fees. These fees shall be retained by the department  
20 for the administration of Title 38.

21

22     **SECTION 79 - R230 - BOARD OF FINANCIAL INSTITUTIONS**

23

24         **79.1.** (FI: Supervisory Fees) The Board of Financial Institutions shall fix supervisory fees of banks, savings and loan associations  
25 and credit unions on a scale which, together with fees collected by the Consumer Finance Division will fully cover the total funds  
26 expended under this section.

27

28     **SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS**

29

30         **80.1.** (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in ~~settlement~~ *resolution* of cases  
31 involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and  
32 expended within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated  
33 with these violations, may be carried forward and expended for the same purposes in the current fiscal year.

34         **80.2.** (CA: Student Athlete/Agents Registration) Funds received by the department of Consumer Affairs pursuant to registrations  
35 under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents  
36 and student athletes under that chapter.

1       **80.3.** (CA: Expert Witness/Assistance Carry Forward) Unexpended encumbered appropriated funds for the Consumer Advocacy  
2 expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual  
3 obligations existing at June thirtieth and not paid by July thirty-first.

4       **80.4.** (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer  
5 Affairs may retain all ~~Consumer Credit Grantor Notification~~ filing fees collected under ~~Section 37-6-203 and all Maximum Rate~~  
6 ~~Schedules filing fees collected under Section 37-2-305 and Section 37-3-305~~ *Chapters 2, 3 and 6, Title 37 of the 1976 Code*. These  
7 fees shall be used to offset the cost of administering and enforcing ~~Chapters 2 and 3, Title 37 of the 1976 Code~~ and may be applied  
8 to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be  
9 utilized for the same purposes.

10       **80.5.** (CA: Retention of Fees) For the current fiscal year, the department may retain all fees collected pursuant to Sections  
11 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements  
12 of the programs mandated by those sections of the code.  
13

#### 14 SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

15  
16       **81.1.** (LLR: Fire Marshal - Authorization to Charge Fees for Training) The Fire Academy may charge participants a fee to cover  
17 the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any  
18 unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.

19       **81.2.** (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal  
20 year limitations and shall carry forward each fiscal year for the designated purpose.

21       **81.3.** (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and  
22 Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor's  
23 Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's  
24 Licensing Board to the general fund includes the ten percent.

25       **81.4.** (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulation - Division of the  
26 State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private  
27 organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a memorial  
28 are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and maintenance.

29       **81.5.** (LLR: Firefighter Mobilization Project) The department is directed to utilize \$165,000 of the funds derived under Section  
30 2 of Act 1377 of 1968, as amended by Act 60 of 2001 from the tax of thirty-five one-hundredths percent imposed annually on the  
31 gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium  
32 deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

33       **81.6.** (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing, and Regulation that are  
34 required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and  
35 expended for the same purpose as originally appropriated.

1       **81.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and  
2 OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and  
3 restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending  
4 authorization for these purposes must receive the prior approval of the Executive Budget Office.

5       **81.8.** (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135  
6 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing, and Regulation to  
7 fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an  
8 accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate,  
9 the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development  
10 Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the  
11 Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first  
12 Tuesday of February in the current fiscal year.

13       **81.9.** (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing, and Regulation cannot authorize  
14 reimbursement under Section 40-1-50(A) of the 1976 Code to members of any board listed in Section 40-1-40(B) for meetings held  
15 at any location other than the offices of the department unless there has been a determination that the department is unable to provide  
16 space for the meeting in a state-owned or leased facility in Richland or Lexington County.

17       **81.10.** (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department  
18 of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number  
19 and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions  
20 of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws  
21 or related provisions in South Carolina law against any non-United States citizen or immigrant.

22       Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of  
23 Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation  
24 of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as  
25 defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or  
26 violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

27       **81.11.** (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose  
28 practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of  
29 experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the  
30 board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this  
31 proviso.

32       **81.12.** (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing, and Regulation is authorized to  
33 purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working in  
34 a regulatory aspect and/or certified to be a resident state fire marshal.

1       **81.13.** (LLR: Amusement Park Rides) For the current fiscal year, the Department of Labor, Licensing, and Regulation may not  
2 enforce provisions contained in Chapter 18, Title 41 of the 1976 Code, relating to amusement park rides, against open-wheel  
3 motorsport vehicles, karts, superkarts, gearbox or shifter karts, or go karts used for racing at speeds in excess of fifty miles per hour.  
4

## 5       **SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES**

6  
7       **82.1.** (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department of  
8 Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior  
9 fiscal year.

10       **82.2.** (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing  
11 fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data  
12 sets. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed the  
13 rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise  
14 furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or personal  
15 identification card. Photographs and digitized images from a driver's license or personal identification card are not considered public  
16 records. Funds derived from these sources shall be retained by the department.

17       **82.3.** (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with  
18 auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers  
19 receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies. The  
20 Comptroller General shall place the funds into a special restricted account to be used by the department.

21       **82.4.** (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement  
22 a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the county in which  
23 the affected field office is located must be notified prior to implementation of the plan. In addition, the director shall review field  
24 offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of operation.

25       **82.5.** (DMV: Five Year Eye Exam Suspension) ~~For the current fiscal year, Section 56-1-220(B), relating to the requirement for~~  
26 ~~a vision screening certificate during the fifth year of a ten-year driver's license, is suspended.~~

27       **82.6.** (DMV: Activities Allowed on Special Restricted Driver's License) In the current fiscal year, employing funds authorized  
28 or appropriated to the Department of Motor Vehicles pursuant to Section 82, Part IA of this act, the department must include  
29 employment, school, church-related or sponsored activities, and parentally approved sports activities in the categories for which it  
30 may waive or modify restrictions in the special restricted driver's license for certain minors. The licensee must provide the  
31 department a statement of the purpose of the waiver or modification of restrictions executed by the parents or legal guardian of the  
32 licensee and documents executed by church representatives and/or representatives of the sports entity for which the waiver is being  
33 requested.

34       **82.7.** (DMV: General Fund Balance Carry Forward) The Department of Motor Vehicles may carry forward any unexpended  
35 general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

1 **82.8.** (DMV: Phoenix III Migration Pilot) In Fiscal Year ~~2017-18~~ 2018-19, the department shall be authorized to expend ~~up to~~  
2 the remainder of the \$1,000,000 authorized in the prior fiscal year from any available other earmarked cash balances to conduct a  
3 proof-of-concept pilot for Phoenix III development and data migration. Funds may be expended only upon review and approval of  
4 the Department of Administration through the IT project governance process established by proviso 117.119.

5 **82.9.** (DMV: Real ID) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Motor Vehicles may expend any available  
6 earmarked cash reserves, with the exception of the ~~\$1,000,000~~ funds designated for the Phoenix III pilot, on the implementation of  
7 Real ID.

8 **82.10.** (DMV: Electronic Verification Processing Fees) In the current fiscal year, the Department of Motor Vehicles is exempt  
9 from paying fees to the Department of Health and Environmental Control associated with the use of the Electronic Verification of  
10 Vital Events (EVVE) system to verify or certify birth certificates during the driver's license or identification card issuance process.

11 **82.11.** (DMV: Minor Identification Card Fees) In the current fiscal year, the Department of Motor Vehicles may waive the five  
12 dollar fee associated with issuing an identification card to someone less than 17-years-old if the card issuance is through an  
13 established partnership with a state or federal agency.

## 14 15 SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE

16  
17 **83.1.** (DEW: ~~Consortium Contracts: Training Development Sessions and Media Services~~ Business Intelligence Division  
18 Program Contracts) All earmarked funds collected for the ~~LMI Training Development Services, Media Services and~~ Business  
19 Intelligence Division Program Contracts through the Department of Employment and Workforce may be retained by the agency to  
20 be used for the exclusive purpose of operating these programs. All funds not expended in the prior fiscal year may be carried forward  
21 for use in the current fiscal year.

22 **83.2.** (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed to  
23 pay federal and earmarked prior year obligations with current year funds.

24 **83.3.** (DEW: Transparency of Funding Appropriation) In order to promote accountability and transparency, the Department of  
25 Employment and Workforce must provide and release to the public via the agency's website, a report of all aggregate amounts of  
26 taxes, fees and payments that were charged, collected and paid by that state agency in the prior fiscal year. For the purpose of  
27 efficiency and conservation of resources, this report shall be incorporated into the Trust Fund Report due by October first as required  
28 by Section 41-33-45 of the 1976 Code. In addition to the requirements of Section 41-33-45, the Trust Fund Report shall include, but  
29 not be limited to: (1) SUTA taxes collected per Tier; (2) unemployment benefit claims paid; (3) how many unemployment claims  
30 were made in error; (4) loan repayments made to the federal government; and (5) the amount of funds left in the agency's account at  
31 the end of the fiscal year. The report must be posted online by October first of the current fiscal year. Additionally, the report must  
32 be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by  
33 October first. Funds appropriated to and/or authorized for use by the department shall be used to accomplish this directive.

34 **83.4.** (DEW: Negotiation of Interest) For the current fiscal year and upon final repayment of all Title XII advances from the  
35 Federal Unemployment Account received by the state beginning in December of 2008, any interest assessment funds received by the

1 Department of Employment and Workforce Interest Assessment Fund pursuant to Section 41-33-810 of the 1976 Code shall be  
2 transferred to the Unemployment Compensation Fund.

3 **83.5.** (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to  
4 ~~\$1,743,930~~ \$3,178,053 of funds made available to the State under Section 903 of the United States Social Security Act, as amended.  
5 The funds must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software,  
6 equipment, and necessary services to replace the agency's unemployment tax information system with a modern technology solution.  
7 No part of the funds herein authorized may be obligated after a two-year period beginning on July 1, ~~2017~~ 2018. The amount  
8 obligated pursuant to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the  
9 accounts of the State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for  
10 administration and paid out for administration and paid out for benefits and required by law to be charged against the amounts  
11 transferred to the account of this State.

12 **83.6.** (DEW: Employment Training Outcomes Data Sharing) ~~The Department of Employment and Workforce, in developing~~  
13 ~~the Workforce and Labor Market Information System (WLMIS) improvements required of the Workforce Innovation and~~  
14 ~~Opportunity Act (WIOA) (P.L. 113-128), will require~~ requires integration of training and employment data for the purposes of  
15 improving ~~longitudinal~~ assessment of employment outcomes for the various training providers eligible to receive funding  
16 appropriated or authorized by this Act.

17 ~~(A) As the entity with authority for the oversight and maintenance for the WLMIS, the department shall establish a Governance~~  
18 ~~Policy for the management, development, security, partner collaboration, and sharing responsibilities no later than July 1, 2017.~~

19 ~~(B) A No later than July 1, 2017, the~~ The department must develop a model enter into a data-sharing agreement with eligible  
20 training providers (ETPs) prior to the ETP entering student data into the Palmetto Academic Training Hub (PATH). As specified by  
21 ~~the WIOA Act, this agreement will require~~ ETPs to will submit data related to the types of training programs offered, individual  
22 student coursework, including personal identifying information (PII) to match training, employment data and performance outcomes,  
23 program completion and time to complete, and program costs, and tuition assistance as outlined in federal guidance. It will further  
24 ~~require reporting of personally identifiable information (PII) to match training and employment data to determine placement in~~  
25 ~~companies and jobs by the North American Industry Classification (NAIC) System and Standard Occupation Classification (SOC)~~  
26 ~~System and other information necessary for the department to accurately and completely assess the effectiveness and return on~~  
27 ~~investment of all training programs offered by the entity.~~

28 (B) State agencies needing data from the Department of Employment and Workforce must meet an exception permitting disclosure,  
29 pursuant to 20 C.F.R. Part 603. Prior to providing data to a state agency, the department must enter into a data sharing agreement  
30 with the requesting agency, as described in 20 C.F.R. Part 603. Requesting state agencies must identify a need in the administration  
31 of the official duties for department data, as required by 20 C.F.R. Part 603. The department shall charge state agencies, excluding  
32 the Department of Commerce, for costs, as described in federal and state law, for the data sharing requests. The Department of  
33 Commerce shall not be charged for costs associated with this provision.

34 ~~(C) No later than July 1, 2017, the department must develop a model data-sharing agreement with the Department of Education,~~  
35 ~~the Center for Educator Recruitment, Retention and Advancement, and the Education Oversight Committee, the Vocational~~  
36 ~~Rehabilitation Department, and the Commission on Higher Education to capture and match data as enumerated in item (B) of this~~

1 ~~provision. This agreement will ensure collaborative sharing of matched data with each partner agency for the purpose of program~~  
2 ~~assessment and effectiveness in compliance with state and federal laws.~~

3 ~~(D) The department and the South Carolina Student Loan Corporation shall, by July 1, 2017, enter into a data sharing agreement~~  
4 ~~to determine the average debt load carried by individuals who participate in training programs with eligible training providers. This~~  
5 ~~agreement will ensure collaborative sharing of matched data for the purpose of program assessment and effectiveness in compliance~~  
6 ~~with state and federal laws.~~

7 ~~(E) No later than July 1, 2017, the department must develop a model data sharing agreement with the Department of Social~~  
8 ~~Services to capture data related to New Hire status and social service data and with the Department of Labor, Licensing and~~  
9 ~~Regulation to capture licensing and licensing related data. This agreement will ensure collaborative sharing of matched data for the~~  
10 ~~purpose of program assessment and effectiveness in compliance with state and federal laws.~~

11 ~~The Department of Employment and Workforce shall submit copies of the data sharing agreements to the Chairman of the Senate~~  
12 ~~Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Labor, Commerce and~~  
13 ~~Industry Committee, and the Chairman of the House Labor, Commerce and Industry Committee.~~

#### 14 15 SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

16  
17 **84.1.** (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash  
18 balances brought forward from the previous year and all income including all federal funds, unexpended general funds and proceeds  
19 from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of  
20 Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including  
21 federal funds, general funds and proceeds from bond sales.

22 **84.2.** (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is hereby  
23 authorized to set up with the State Treasurer such special funds out of the Department of Transportation funds as may be deemed  
24 advisable for proper accounting purposes.

25 **84.3.** (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and insurance  
26 covering such activities of the department as may be deemed proper and advisable, due consideration being given to the security  
27 offered and the service of claims.

28 **84.4.** (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health  
29 insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded from  
30 Department of Transportation funding sources.

31 **84.5.** (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of  
32 fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and handling  
33 costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

34 **84.6.** (DOT: Meals in Emergency Operations) The Department of Transportation may provide meals to employees of the  
35 department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation  
36 exercises, and when the Governor declares a state of emergency.



1       **84.7.** (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be charged  
2 in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in-district  
3 rates.

4       **84.8.** (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers  
5 Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and  
6 expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

7       **84.9.** (DOT: Bridge Replacement in McCormick County) Planning and construction on a new U.S. 378 bridge crossing Lake J.  
8 Strom Thurmond must provide for and allow McCormick County to affix water lines to the new bridge just as the water lines are  
9 affixed to the existing bridge. McCormick County shall bear the cost of affixing the water lines to the new bridge.

10       **84.10.** (DOT: Project Priority List) From the funds appropriated to the department, the Department of Transportation Commission  
11 project priority lists, as required under Act 114 of 2007, shall be published in a conspicuous place on the department's website in a  
12 manner easily accessible to the public. The priority lists shall be accompanied by the associated engineering directives explaining  
13 the ranking process and methodology for applying the commission approved criteria.

14       **84.11.** RESERVED

15       **84.12.** (DOT: General Fund Balance Carry Forward) The Department of Transportation may carry forward any unexpended  
16 general fund balance from the prior fiscal year and expend those funds in the current fiscal year.

17       **84.13.** (DOT: Reimbursement for Vehicle Damage) Of the funds appropriated to the Department of Transportation, the  
18 department must develop direct internet access from the department's home page to any document or claim form that may be used  
19 by the public to seek reimbursement for vehicle damages caused by poor road conditions. The department must post a link to the  
20 documents or claim forms on the department's home page in a prominent, easily viewed location.

21       **84.14.** RESERVED

22       **84.15.** (DOT: Preventative Maintenance Credit) The Department of Transportation is authorized to transfer a portion of proceeds  
23 of the motor fuel user fee received from Section 12-28-310(D) to the Department of Revenue in order to satisfy the requirements of  
24 the preventive maintenance credit in Section 12-6-3780(B)(2).

25       **84.16.** (DOT: Emergency Meetings) The Department of Transportation Commission is authorized to use funds under this Act in  
26 order to convene a meeting in cases of emergency as determined by the Secretary of Transportation when a natural disaster or other  
27 dire situation requires immediate action. Notice shall be given to the press and the public as soon as a decision is made to convene  
28 an emergency meeting. Only emergency matters may be considered in such a meeting. The meeting shall be open to the public, and  
29 may be conducted over a conference call if necessary.

30       **84.17.** (DOT: CTC Donor Bonus) The Department of Transportation is authorized, in order to meet the requirements of Act 40  
31 of 2017, to transfer a portion of the proceeds of the motor fuel user fee received from Section 12-28-310(D) of the 1976 Code to  
32 satisfy the donor bonus for County Transportation Committees in Section 12-28-2740(H).

1     **SECTION 85 - U150 - INFRASTRUCTURE BANK BOARD**  
2

3     **85.1.** (IBB: Board Meeting Coverage) Of the funds authorized for the State Transportation Infrastructure Bank Board, the Bank  
4 must provide live-streamed coverage of all Board meetings to ensure transparency and access for the public. The board meetings  
5 shall be recorded and archived and made available on the South Carolina Transportation Infrastructure Bank's website.  
6

7     **SECTION 87 - U300 - DIVISION OF AERONAUTICS**  
8

9     **87.1.** (AERO: Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements  
10 derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed  
11 \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

12     **87.2.** (AERO: Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and  
13 expended to cover the cost of building operations.

14     **87.3.** (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e.  
15 Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA  
16 appropriations based on enplanements in South Carolina. ~~This policy may be waived to provide matching state funds for critical  
17 FAA safety or capacity projects at air carrier airports.~~

18     **87.4.** (AERO: Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government  
19 owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking  
20 facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.

21 Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

22     **87.5.** (AERO: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall  
23 be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

24     (1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement  
25 projects;

26     (2) for maintenance projects of general aviation airports; and or

27     (3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation  
28 industry and/or the promotion of aviation in general.

29 Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must  
30 have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

31 The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1)  
32 priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds  
33 among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

34 Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a  
35 major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission also  
36 shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for

1 these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller  
2 relative contribution from the fund.

3 A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means  
4 Committee.

5 Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.  
6

## 7 SECTION 88 - Y140 - STATE PORTS AUTHORITY

8

9 **88.1.** (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund  
10 surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2017~~ 2018, pay  
11 to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2018~~ 2019, to continue the Charleston Cooper  
12 River Bridge Project.

13 **88.2.** (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which  
14 enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll  
15 on/roll-off.

16 **88.3.** (SPA: Harbor Deepening Reserve Fund) The State Ports Authority shall maintain the Harbor Deepening Reserve Fund.  
17 This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund  
18 must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors. Prior  
19 to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for  
20 harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior  
21 fiscal year into the current fiscal year and must be used for the same purpose.

22 **88.4.** (SPA: Georgetown Port Maintenance Dredging Fund) The State Ports Authority shall maintain the Georgetown Port  
23 Maintenance Dredging Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund  
24 shall be separate and distinct from the General Fund and the Harbor Deepening Reserve Fund and interest accrued by the fund must  
25 remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with the  
26 maintenance dredging of the Port of Georgetown. Prior to expending any amount from the fund, the State Ports Authority must  
27 present a comprehensive plan for the use of the fund for maintenance dredging to the Joint Bond Review Committee for review and  
28 comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same  
29 purpose.

30 **88.5.** (SPA: Jasper Ocean Terminal Permitting) ~~Of the funds allocated to the Ports Authority in Fiscal Year 2016-17 for the~~  
31 ~~Jasper Ocean Terminal Permitting, \$1,000,000 is designated for a contract for the permitting process that was previously scheduled~~  
32 ~~to be handled by the Corps of Engineers. This funding may not be expended by the Ports Authority until a contract is executed.~~  
33 ~~Additionally, any funds not committed by this contract must be returned to the General Fund at the end of Fiscal Year 2017-18.~~

34 **88.6.** (SPA: Jasper Ocean Terminal Permitting) The funds appropriated to the State Ports Authority (SPA) for the Jasper Ocean  
35 Terminal Permitting shall be utilized by SPA to pay for activities associated with the preparation for or the actual permitting of the

- 1 Jasper Ocean Terminal (JOT) on the Savannah River in Jasper County. Activities to be undertaken during FY 2018-19 shall include  
2 but are not limited to the following:
- 3 1. Developing reasonable and practical alternatives for the JOT, initiating various technical investigations for the JOT, and  
4 taking other necessary steps toward the development of the Environmental Impact Statement (EIS), which is currently scheduled for  
5 2020, such steps to include:
    - 6 a) developing a draft Regional Traffic Demand Model for the JOT to help identify the environmental consequences for  
7 inclusion in the EIS;
    - 8 b) preparing a research design for review by the Corps of Engineers' archaeologists;
    - 9 c) conducting field surveys on the proposed site of the JOT to verify the accuracy of the existing preliminary base maps  
10 for vegetation, habitat and waters of the United States, including wetlands; and
    - 11 d) preparing Chapters 1 and 2 of the preliminary draft of the EIS (including the description of the Project Alternatives and the  
12 Screening Process) and portions of Chapter 3 (Affected Environment);
  - 13 2. Conducting field assessments on the proposed site of the JOT, including an assessment of the transportation and utility  
14 improvements that would serve the JOT, such to include a 4-lane divided highway to connect the JOT to U.S. Highway 17, a double-  
15 track rail corridor to connect the JOT's intermodal rail yard to existing CSX Transportation and Norfolk Southern rail lines, a new  
16 rail bridge across the Savannah River, and utility lines and intermediary facilities to connect to existing services (water, sewer,  
17 electricity, etc.);
  - 18 3. Taking actions in furtherance of obtaining a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors  
19 Act and Section 404 of the Clean Water Act, in that the development of the JOT would result in the dredging of navigable waters  
20 and potential impacts to wetlands and other waters of the United States;
  - 21 4. Taking actions as required by Section 203 of the Water Resources Development Act of 1986, as amended, to prepare a  
22 Channel Modification Feasibility Study;
  - 23 5. Discharging its obligations pursuant to its Joint Venture Agreement with the Georgia Ports Authority;
  - 24 6. Discharging the legislative directive of Section 54-3-115 of the South Carolina Code in regard to taking "all action  
25 necessary to expeditiously develop a port in Jasper County; and
  - 26 7. Discharging any and all other obligations directly related to the development of the Jasper Ocean Terminal.  
27 The funds appropriated to SPA for the Jasper Ocean Terminal Permitting may not be used for reimbursement of SPA expenditures  
28 made in a prior fiscal year and must be used only for one or more of the purposes set forth above.
- 29 SPA shall provide a detailed report in writing to the members of the General Assembly on or before the first day of the 2019  
30 legislative session describing the progress made in the previous calendar year in regard to the JOT, such to include a description of  
31 the studies being conducted, the estimated costs of those studies, the funds expended on the studies and the estimated dates of  
32 completion, the additional studies needed to obtain a permit to build the JOT, the estimated costs of those additional studies, and the  
33 estimated beginning and completion dates of those additional studies.

1    **SECTION 91 - A990 - LEGISLATIVE DEPARTMENT**  
2

3       **91.1.** (LEG: Legislative Employee Designations) The positions included in this section designated (P) shall denote a permanent  
4 employee and the salary is an annual rate. The positions designated (T) shall denote a temporary employee and the salary is for a  
5 period of six months to be paid at that rate only while the General Assembly is in session. The positions designated as (Interim) shall  
6 denote a temporary employee and the salary is for a period of six months to be paid at that rate while the General Assembly is not in  
7 session. The positions designated (PTT) shall denote part-time temporary employees on a twelve-months basis. The positions  
8 designated (PPT) shall denote permanent part-time employees retained for full-time work for a period of months or the duration of  
9 the legislative session.

10       **91.2.** (LEG: Legislative Employee BPI/Merit) Legislative employees designated (P) or (PPT) shall receive base pay and average  
11 merit pay in the same manner as such pay is granted to classified state employees, but for purposes of this paragraph, the term  
12 “legislative employees” does not include employees of the House of Representatives. From the funds appropriated for Employee  
13 Pay Increases, the Speaker of the House and the President Pro Tempore of the Senate shall determine the amount necessary for  
14 compensation of the employees of the House and Senate.

15       **91.3.** (LEG: Interim Expenses Allowance) The Chairman of the Standing House and Senate Committees shall each be allowed  
16 the sum of six hundred and fifty dollars for expenses during the interim, between sessions of the General Assembly, to be paid from  
17 the House or Senate approved accounts, with each body paying the expense allowance of the chairman in its membership. The  
18 Speaker of the House is authorized to approve not more than six hundred and fifty dollars for expenses during the interim for  
19 Chairmen of the Standing Committees of the House.

20       **91.4.** (LEG: Subsistence/Travel Regulations) (A) Members of the General Assembly shall receive subsistence for each  
21 legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense.  
22 No member of the General Assembly except those present are eligible for subsistence on that day. Legislative day is defined as those  
23 days commencing on the regular annual convening day of the General Assembly and continuing through the day of adjournment sine  
24 die, excluding Friday, Saturday, Sunday, and Monday.

25       (B) Standing Committees of the Senate and House of Representatives are authorized to continue work during the interim;  
26 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced  
27 approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not  
28 received, the members of the General Assembly shall not be paid the per diem authorized in this provision. When certified by the  
29 Speaker of the House, President Pro Tempore of the Senate, or Standing Committee Chairman, the members serving on such  
30 committees shall receive a subsistence and mileage at the rate provided for by law, and the regular per diem established in this act  
31 for members of boards, commissions, and committees while attending scheduled meetings. Members may elect to receive actual  
32 expenses incurred for lodging and meals in lieu of the allowable subsistence expense. The funds for allowances specified in this  
33 proviso shall be paid to the members of the Senate or House of Representatives from the Approved Accounts of the respective body  
34 except as otherwise may be provided.

35       (C) Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly are authorized to continue work  
36 during the interim to secure such information and complete such investigations as may be assigned to the respective committees;

1 however, House members must receive advanced approval by the Speaker of the House and Senate members must receive advanced  
2 approval by the President Pro Tempore of the Senate or Standing Committee Chairman to meet. If such advanced approval is not  
3 received, the House and Senate members of the Joint Study Committee shall not be paid the per diem authorized in this provision.  
4 When certified by the appropriate authority, the members appointed to such committees shall receive a subsistence and mileage at  
5 the rate provided for by law, and the regular per diem established in this act for members of boards, commissions, and committees  
6 while attending scheduled meetings. Members may elect to receive actual expenses incurred for lodging and meals in lieu of the  
7 allowable subsistence expense. The allowances specified in this proviso shall be paid from funds appropriated to the respective  
8 committees for such purposes, or from Approved Accounts of the respective body of the General Assembly if no funds have been  
9 appropriated to such a committee for these purposes.

10 (D) Members of the Senate and the House of Representatives when traveling on official State business shall be allowed a  
11 subsistence and transportation expenses as provided for by law, and the regular per diem established in this act for members of  
12 boards, commissions, and committees upon approval of the appropriate chairman. When traveling on official business of the Senate  
13 or the House of Representatives not directly associated with a committee of the General Assembly, members shall be paid the same  
14 allowance upon approval of the President Pro Tempore of the Senate or the Speaker of the House of Representatives. In either  
15 instance, the members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence  
16 expense. The funds for the allowances specified in this proviso shall be paid from the Approved Accounts of the Senate or the House  
17 of Representatives or from the appropriate account of the agency, board, commission, task force or committee upon which the  
18 member serves.

19 (E) Members of the House of Representatives shall not be reimbursed for per diem, subsistence, or travel in connection with any  
20 function held outside of the regular session of the General Assembly unless prior approval has been received from the Speaker of the  
21 House.

22 (F) Notwithstanding any other provision of law, subsistence and mileage reimbursement for members of the General Assembly  
23 shall be the level authorized by the Internal Revenue Service for the Columbia area. Provided, in calculating the subsistence  
24 reimbursement for members of the General Assembly the reimbursement rate for the lodging component shall be the average daily  
25 rate for hotels in the Columbia Downtown area as defined by the Columbia Metro Convention and Visitor's Bureau for the preceding  
26 fiscal year.

27 **91.5.** (LEG: Senate Voucher Approval) All payroll vouchers, disbursement vouchers, and interdepartmental transfers of the  
28 Senate shall only require the approval of the Clerk of the Senate.

29 **91.6.** (LEG: Supplies Approval) All supplies for the Senate shall be purchased only upon the authority of the Clerk of the Senate  
30 and all supplies for the House of Representatives shall be purchased only upon the authority of the Clerk of the House.

31 **91.7.** (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and  
32 they shall be available for any necessary service to the House of Representatives.

33 **91.8.** (LEG: Senate Research Personnel Compensation) Senate Research personnel other than Directors of Research and the  
34 committee research staff shall be paid from funds appropriated for Senate Research at the direction of the Clerk of the Senate.

1       **91.9.** (LEG: Contract for Services) The Standing Committees of the Senate may, upon approval of the President Pro Tempore,  
2 contract with state agencies and other entities for such projects, programs, and services as may be necessary to the work of the  
3 respective committees. Any such projects, programs, or services shall be paid from funds appropriated for contractual services.

4       **91.10.** (LEG: Jt. Leg. Committee Operational Authorization) Only the Joint Legislative Committees for which funding is provided  
5 herein are authorized to continue operating during the current fiscal year under the same laws, resolutions, rules or regulations which  
6 provided for their operations during the prior fiscal year.

7       **91.11.** (LEG: Legislative Carry Forward) In addition to the funds appropriated in this section, the funds appropriated under Part  
8 IA, Sections 91A, 91B, 91C, 91D, and 91E for the prior fiscal year which are not expended during that fiscal year may be carried  
9 forward to be expended for the same purposes in the current fiscal year.

10       **91.12.** (LEG: Senate Expenditures/O&M Committee) Notwithstanding any limitation or other provisions of law to the contrary,  
11 funds expended by the Senate for salary adjustments, professional fees and dues, and necessary expenses, supplies, and equipment  
12 for Senate employees, must be paid from funds appropriated to the Senate Operations and Management Committee and funds  
13 available in approved accounts of the Senate, and shall be authorized and allocated in such manner as determined by the Senate  
14 Operations and Management Committee. From the funds annually allocated to each Senator and Representative for postage and  
15 telephone, \$250 may be used to purchase American and State flags.

16       **91.13.** (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of \$1,000  
17 per month.

18       **91.14.** (LEG: Additional House Support Personnel) The House Operations and Management Committee shall determine  
19 procedures and policies for the administration and operation of the Legislative Aide program and the House Operations and  
20 Management Committee shall manage the program. Appropriations to the House of Representatives in Part IA shall fund the  
21 program.

22       **91.15.** (LEG: House Postage) The Speaker of the House is authorized to approve no more than \$700 per member per fiscal year  
23 for postage.

24       **91.16.** (LEG: Legislative Dual Employment) Each committee and joint legislative committee provide a list to the members of the  
25 General Assembly of all employees who hold dual positions of state employment.

26       **91.17.** (LEG: Code of Law Reimbursement) The Legislative Council may require reimbursement from public sector recipients  
27 except for the General Assembly of its cost of acquiring codes of law, supplements, or replacement volumes distributed to them.

28       **91.18.** (LEG: Statewide Acts Availability) From the funds appropriated in Part IA, Section 91D of this act, for the current fiscal  
29 year the clerks of the House of Representatives and the Senate are to make all statewide Acts available to the public electronically.  
30 The provisions of this section are in lieu of the House and Senate Clerks' duties related to the printing and mailing of acts as set forth  
31 in Sections 2-13-190, 2-13-210, and 11-25-640 through 11-25-680 of the 1976 Code.

32       **91.19.** (LEG: LAC Matching Federal Funds) The Legislative Audit Council is authorized to use funds appropriated in this act as  
33 state matching funds for federal funds available for audits and reviews. The council is also authorized to charge state agencies for  
34 federal funds, if available, for the costs associated with audits and reviews. Agencies shall remit the federal funds to the Legislative  
35 Audit Council as reimbursement for the costs of audits and reviews.

1       **91.20.** (LEG: Other Funds Oversight Committee) There is created a joint committee of the Senate and of the House of  
2 Representatives entitled the Other Funds Oversight Committee. The committee shall consist of eight members as follows: the  
3 Chairman of the Senate Finance Committee, or his designee; one member of the Senate Finance Committee appointed by the  
4 Chairman of the Senate Finance Committee; the Chairman of the House of Representatives Ways and Means Committee, or his  
5 designee; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means  
6 Committee; the Senate Majority Leader, or his designee; the Senate Minority Leader, or his designee; the House Majority Leader, or  
7 his designee; and the House Minority Leader, or his designee.

8       The committee shall review and examine the source of other funds in this State and recommend to the General Assembly the  
9 appropriate policy for the receipt, appropriation, expenditure, and reporting of other funds. In making its determination, the  
10 committee shall solicit and receive testimony from state agencies, departments, boards or commissions regarding the status of the  
11 receipt of other funds, the conditions of receipt, the expenditure of other funds, and any relevant statistic or measurement. The  
12 committee shall make recommendations to the General Assembly regarding any necessary action.

13       The Executive Budget Office must notify the committee of any request for an increase in interim budget authorization resulting  
14 from other funds collections that is made by any state agency, department, board, or commission. The committee shall review each  
15 request and recommend appropriate action.

16       Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law  
17 for members of boards, commissions, and committees while on official business.

18       For purposes of the proviso, ‘other funds’ means any revenues received by an agency which are not federal funds and are not  
19 general funds appropriated by the General Assembly in the appropriations act.

20       **91.21.** (LEG: DMV Audit Review) For the current fiscal year, the provisions of Section 56-1-5(F) are suspended. Any savings  
21 generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the 1976 Code.

22       **91.22.** (LEG: Electronic Correspondence) For the current fiscal year, the House of Representatives may not expend any funds for  
23 the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of Representatives shall  
24 send all relevant information concerning committee meetings to committee members via electronic means.

25       **91.23.** (LEG: Technology Panel) Of the funds appropriated in the Department of Education’s program VIII.D. for Technology  
26 the K-12 Technology Initiative partnership shall provide a report to the House Education and Public Works Committee, the House  
27 Ways and Means Committee, the Senate Education Committee and the Senate Finance Committee, describing the state’s efforts to  
28 facilitate the cost effective provision of connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless  
29 of location, activities to assist schools and libraries in minimizing and detecting internet security threats, the development and  
30 utilization of technological and online resources to support student development and achievement, the development and utilization  
31 of curriculum and professional training to support the use of instructional technology in schools and libraries, and other educational  
32 technology related activities engaged in by the partnership. Further, the report must detail information on the expenditure of the  
33 K-12 Technology funds by each district as well as a list of the districts requesting flexibility in the use of those funds. The report  
34 shall be submitted no later than June 1, ~~2018~~ 2019.

35       **91.24.** (LEG: Legislative Department Applicability) For purposes of this act and any other provision of law that would have any  
36 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate



1 or requirement of the provision, the terms “state agency” or “agency” do not include any component of the Legislative Department  
2 unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

3 **91.25.** (LEG: Requested Information) The departments, bureaus, officers, commissions, institutions, and other agencies or  
4 undertakings of the State, upon request, shall immediately furnish to President Pro Tempore of the Senate or the Speaker of the  
5 House of Representatives in such form as he may require, any information requested in relation to their respective affairs or activities.

6 **91.26.** (LEG: Lawsuit Party of Interest) When the Lieutenant Governor is named as a party to a lawsuit challenging actions taken  
7 by the Senate, the President Pro Tempore shall be automatically substituted as the party representing the Senate as the Lieutenant  
8 Governor is not a party in interest. Upon being served with the lawsuit, the Lieutenant Governor shall immediately notify the  
9 President Pro Tempore of the Senate and the Clerk of the Senate. Upon receiving notice from the Lieutenant Governor, the President  
10 Pro Tempore shall notify the court and the plaintiff/petitioner that the President Pro Tempore of the Senate is invoking the provisions  
11 of this proviso and substituting himself as the party representing the Senate. The Court shall make necessary changes to the caption  
12 of the lawsuit and otherwise. However, the provisions of this proviso are not effective if the actions challenged are solely the actions  
13 taken by the Lieutenant Governor. The provisions contained in this proviso do not apply to actions filed before, or otherwise pending,  
14 as of the effective date of this act.

15 **91.27.** (LEG: Statutory Appointments) Beginning on January 9th of the current fiscal year, all appointments of the Lieutenant  
16 Governor provided for by statute shall be made instead by the President of the Senate.

## 17 SECTION 92 - D210 - OFFICE OF THE GOVERNOR

18 **92.1.** (GOV: Governor’s Office Budget) All other provisions of law notwithstanding, the Executive Control of State section and  
19 Mansion and

20 Grounds section shall be treated as a single budget section for the purpose of transfers and budget reconciliation.

21 **92.2.** (GOV: Mansion and Grounds Budget) The Governor’s Office of Mansion and Grounds shall not exceed ten percent of its  
22 quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

23 **92.3.** (GOV: Mansion and Grounds Maintenance and Complex Facilities) Revenue collected from rental of Mansion Complex  
24 facilities and grounds must be retained and expended by the Governor’s Office, Mansion and Grounds to support its operations.  
25 Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

26 **92.4.** (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor’s Office of Executive  
27 Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial  
28 transactions that have taken place between Executive Control of State and Mansion and Grounds. These transactions shall include,  
29 but are not limited to, any transfer of funds or payments or reimbursements for services rendered. For each transfer, payment, or  
30 reimbursement the report must specify the amount, the reason for, or circumstance that necessitated the transaction, and the source  
31 of funds used. In the event federal or other funds were utilized, the source from which the revenue was generated must also be  
32 included. The report must be submitted as soon after the end of each quarter as practicable.  
33  
34

1     **SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION**

2

3     **93.1.** (DOA: Developmental Disabilities Council) Of the funds appropriated to the Department of Administration, Office of  
4 Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities Council federal grant. These  
5 funds shall be excluded from the Department of Administration's base budget calculation of any across-the-board agency base  
6 reductions mandated by the Executive Budget Office or General Assembly.

7     **93.2.** (DOA: CCRS Evaluations & Placements) The amount appropriated in this section under Special Items Children's Case  
8 Resolution System for Private Placement of Handicapped School-Age Children must be used for expenses incurred in the evaluation  
9 of children referred to the CCRS to facilitate appropriate placement and to pay up to forty percent when placement is made in-state  
10 and up to thirty percent when placement must be made out-of-state of the excess cost of private placement over and above  
11 one-per-pupil share of state and local funds generated by the Education Finance Act, and the one-per-pupil share of applicable federal  
12 funds; provided it has been established that all other possible public placements are exhausted or inappropriate. The balance of  
13 funding responsibility necessary to provide the child with services must be determined by the Children's Case Resolution System  
14 (CCRS) and apportioned among the appropriate public agencies on the basis of the reasons for the private placement. When the  
15 amount appropriated in this section is exhausted, the funding responsibility must be apportioned according to the procedures of the  
16 CCRS.

17     **93.3.** (DOA: CCRS Significant Fiscal Impact) In accordance with Section 20-7-5240(e) of the 1976 Code, "significant fiscal  
18 impact" in the current fiscal year shall be defined for each designated agency as the greater of (1) funds appropriated by the General  
19 Assembly for the current fiscal year on cases referred to, decided or placed through the Children's Case Resolution System or (2)  
20 that agency's assigned shares in the current fiscal year of five cases decided by the Children's Case Resolution System.

21     **93.4.** (DOA: Victim/Witness Program Formula Distribution) ~~If funds in the South Carolina Victims' Compensation Fund exceed~~  
22 ~~the amount required to operate the State Office of Victims Assistance and pay claims of crime victims the first \$650,000 of such~~  
23 ~~excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by~~  
24 ~~the policy committee, and otherwise subject to requirements of Section 60.8.~~

25     **93.5.** (DOA: Physical Abuse Examinations) ~~Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may~~  
26 ~~be expended for physical abuse examinations.~~

27     **93.6.** (DOA: Foster Care-Private Foster Care Reviews) The Department of Administration, Office of Executive Policy and  
28 Programs, Division of Foster Care is authorized to restructure its programs, including but not limited to, suspending reviews of  
29 children privately placed in private foster care and/or changing the location of reviews of children in public foster care, to maintain  
30 continuous operations within existing resources as dictated by recent budget reductions. These decisions must be based upon the  
31 availability of existing funds. This provision supersedes any previous statutory or regulatory mandate.

32     **93.7.** (DOA: Guardian Ad Litem Program) Both the program and the funds appropriated to the Department of Administration,  
33 Office of Executive Policy and Programs, Division of Children's Services, Guardian ad Litem Program must be administered  
34 separately from other programs within the Division of Children's Services and must be expended for the exclusive use of the Guardian  
35 ad Litem Program.

1 For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two  
2 percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem  
3 program and be deposited in the State Treasury in a separate and distinct fund known as the "South Carolina Guardian ad Litem  
4 Trust Fund." Unexpended revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be credited  
5 to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the prior fiscal  
6 year into the current fiscal year.

7 **93.8.** (DOA: Continuum of Care Carry Forward) The Department of Administration, Office of Executive Policy and Programs,  
8 Division of Continuum of Care may carry forward funds appropriated herein to continue services.

9 **93.9.** (DOA: Procuring Services) ~~In order to maximize services for victims of crime, if the fulfilling of requirements pursuant  
10 to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Office of Victims' Assistance must follow  
11 procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual  
12 report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means  
13 Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The  
14 Governor's Office of Executive Policy and Programs is directed to transfer \$122,032 of the funds carried forward from the prior  
15 fiscal year in the Victims' Compensation Fund, and up to \$41,892 from general funds from Program III.C.1 to pay for any contracts  
16 or services procured.~~

17 **93.10.** (DOA: M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Department of Administration, Office of Executive  
18 Policy and Programs, Veterans' Affairs Program may carry forward unexpended funds appropriated and/or authorized for the M.J.  
19 "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any  
20 unexpended funds in the Veterans' Affairs Program, including Special Line Items, shall be carried forward from the prior fiscal year  
21 into the current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery. Funds carried forward in excess  
22 of the amount needed for the operation of the Cemetery may be used for other expenses of the Veterans' Affairs Program. Funds  
23 carried forward may not be transferred to any other Department of Administration programs.

24 **93.11.** (DOA: Crime Victims Ombudsman) ~~For the current fiscal year, the State Office of Victims Assistance shall transfer  
25 \$116,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.~~

26 **93.12.** (DOA: Veterans' Affairs Budget Reduction Exemption) Funds appropriated for the Department of Administration, Office  
27 of Executive Policy and Program, Veterans' Affairs Program shall be excluded from the Department of Administration's base budget  
28 in the calculation of any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

29 **93.13.** (DOA: State House Operation & Maintenance Account) Funds appropriated to the Department of Administration - for  
30 State House Maintenance & Operations & Renovations must be set aside in a separate account for the operation and maintenance of  
31 the State House. The department shall report annually to the State House Committee on the amount expended from this fund.

32 **93.14.** (DOA: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee unless  
33 the agency head or designated official of the employing agency, or in the case of supplements paid to college and university  
34 presidents, their board of trustees, has approved the conditions and amount of salary supplement. Any compensation, excluding  
35 travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any  
36 supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the

1 employing agency to the Department of Administration. The report must include the employee's base salary, amount of the  
2 supplement, source of the supplement, and any condition of the supplement. The employing agency must report this information on  
3 or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the  
4 employee during the preceding fiscal year (July first through June thirtieth). The Department of Administration shall formulate  
5 policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the reports shall be made  
6 available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon  
7 request.

8 **93.15.** (DOA: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases  
9 for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from  
10 appropriated sources.

11 **93.16.** (DOA: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special  
12 Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing  
13 health and dental insurance to their employees.

14 **93.17.** (DOA: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time  
15 state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and  
16 performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick  
17 leave in a calendar year as if it were annual leave.

18 **93.18.** (DOA: First Responder Interoperability) The Department of Administration is directed to administer and coordinate First  
19 Responder Interoperability operations for the statewide Palmetto 800 radio system to better coordinate public safety disaster  
20 responses and communications. First Responder Interoperability administration and coordination shall be funded as provided in this  
21 act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire, EMS  
22 and Law Enforcement) that participate in the statewide Palmetto 800 radio system (Palmetto 800 participants). The Department of  
23 Administration, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency  
24 Management Division, and a representative of the South Carolina Sheriff's Association, shall set a baseline number of radios used  
25 by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 radio system and the jurisdictional requirements  
26 of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the  
27 participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county and  
28 city radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto  
29 800 radio system and its users. Grant funds shall be allocated to private county and city radio systems based on the criteria used for  
30 Palmetto 800 Participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto  
31 800 participants. A matching share is required by a Palmetto 800 participant or by a private county or city radio system in order to  
32 qualify for receipt of funds pursuant to this proviso. Each fiscal year the Department of Administration shall establish the level of  
33 match required based upon funding provided by this act. These entities shall be required to furnish such documentation as may be  
34 required by the department to verify that the matching funds requirement is met. Upon funding state agency and public safety first  
35 responder user fees and private county and city equipment purchases, any remaining funds may be used to enhance and expand the  
36 statewide Palmetto 800 radio system. All funds shall be held in a separate account established by the department for the purposes

1 set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation  
2 of any across-the-board budget reduction mandated by the Executive Budget Office or General Assembly, the amount appropriated  
3 to the Department of Administration for First Responder Interoperability must be excluded from the department's base budget.

4 The Department of Administration shall provide a report on the status of the integration of the statewide Palmetto 800 radio system  
5 which shall include, but not be limited to, a list of entities who are not integrated into the system as of the end of the immediately  
6 preceding fiscal year and the reason why they are not integrated. The report shall be submitted by October first, of the current fiscal  
7 year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

8 **93.19.** (DOA: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus  
9 real properties shall be retained by the Department of Administration and used for the deferred maintenance of state-owned buildings.  
10 The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or  
11 assigned to and shall be used by that agency for nonrecurring purposes. This provision applies to all state agencies and departments  
12 except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle  
13 Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department  
14 of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the  
15 Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident  
16 Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational  
17 Television Commission's Key Road property.

18 The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road,  
19 and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating  
20 expenses. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the  
21 cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder  
22 shall, prior to said sale, be submitted to the Department of Administration for approval as being in compliance with the requirements  
23 of this subsection.

24 The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the  
25 Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of  
26 Corrections.

27 The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting  
28 operations and replacement of firefighting equipment.

29 The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally  
30 purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation,  
31 and/or establishment of regional offices and related facilities.

32 ~~The Department of Vocational Rehabilitation shall be authorized to retain the net proceeds from the sale of 3.205 acres located at~~  
33 ~~22861 Highway 76 East in Clinton, South Carolina to be used for capital projects and deferred maintenance.~~

34 The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of  
35 Natural Resources, the Forestry Commission, and the Department of Vocational Rehabilitation shall annually submit a report, within

1 sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the  
2 status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

3 This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state-owned real property  
4 whether in permanent law, temporary law or by provision elsewhere in this act.

5 Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

6 **93.20.** (DOA: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards  
7 developed by the Department of Administration. The department may conduct audits on state agencies except public institutions of  
8 higher learning, technical colleges, political subdivisions, and quasi-governmental bodies as necessary to monitor compliance with  
9 established cyber security policies, guidelines and standards. Upon request, public institutions of higher learning, technical colleges,  
10 political subdivisions, and quasi-governmental bodies shall submit sufficient evidence that their cyber security policies, guidelines  
11 and standards meet or exceed those adopted and implemented by the department. In addition, while agencies retain the primary  
12 responsibility and accountability for ensuring responses to breach incidents comply with federal and state laws, the department shall  
13 be informed of all agency cyber security breaches, and is authorized to oversee incident responses in a manner determined by the  
14 department to be the most prudent. Upon request of the Department of Administration for information or data, all agencies must  
15 fully cooperate with and furnish the department with all documents, reports, assessments, and any other data and documentary  
16 information needed by the department to perform its mission and to exercise its functions, powers and duties. The Judicial and  
17 Legislative Branches are specifically exempt from the requirements set forth herein.

18 **93.21.** (DOA: Holidays) When a legal holiday specified in Section 53-5-10 of the 1976 Code falls on Sunday, the following  
19 Monday and when a holiday specified in that section falls on Saturday, the preceding Friday next preceding is deemed a public  
20 holiday for all of the purposes. If either the following Monday or the preceding Friday is also a legal holiday, then the State Human  
21 Resources Director will designate the day upon which the legal holiday will be observed by state employees. To insure that no more  
22 than the legal holidays specified in Section 53-5-10 are observed in the calendar year, a New Year's Day that falls on Saturday must  
23 be observed on the following Monday. All bills of exchange, checks, and promissory notes which would otherwise be presentable  
24 for acceptance or payment on a Monday or Friday observed as a holiday pursuant to this section are deemed presentable for  
25 acceptance or payment on the secular or business day succeeding the holiday.

26 **93.22.** (DOA: Nuclear Advisory Council) The Office of Regulatory Staff shall reimburse the Department of Administration for  
27 travel expenses associated with the Governor's Nuclear Advisory Council from the SC Energy Office's radioactive waste funds.

28 **93.23.** (DOA: Office of Victim Assistance) ~~For the current fiscal year, The State Office of Victim Assistance may enter into~~  
29 ~~memoranda of agreement with third party victim service providers to secure emergency medical, transportation, or other crisis~~  
30 ~~stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight percent of the total reimbursement~~  
31 ~~to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than October first of each year, the State~~  
32 ~~Office of Victim Assistance shall report to the Governor, the Chairman of Senate Finance Committee, and the Chairman of House~~  
33 ~~Ways and Means Committee on the performance of third party providers and the use of funds authorized pursuant to this provision~~  
34 ~~in the prior fiscal year.~~

35 **93.24.** (DOA: Emerging Leaders Program) (A) With the funds appropriated to the Office of Human Resources, the Department  
36 of Administration shall establish an Emerging Leaders Program (ELP) that is designed to identify and develop the next generation

1 of South Carolina state government's leaders by attracting and/or retaining imminent or recent graduates of relevant  
2 post-baccalaureate programs to careers in public service. In order to cultivate effective and innovative leaders with demonstrated  
3 problem-solving capabilities, the program shall be cohort-based and require participants to complete rotations in a variety of  
4 functional roles that focus on budgeting, policymaking, operations/service delivery, and other appropriate/elective fields. These  
5 rotations shall be augmented by and interspersed with classroom-based modules on organizational behavior, decision-making  
6 processes, principles of leadership, and other appropriate topics. The program's ultimate design shall reflect the department's  
7 assessment of best practices in both public-sector and private-sector management and/or leadership development programs.

8 (B) Plans for the program shall be completed in time for the first cohort of participants to be selected by June 30, 2018 2019.

9 **93.25.** (DOA: Sale of Port Royal) ~~(A) Within thirty days of the transfer of the real and personal property at Port Royal to the~~  
10 ~~Department of Administration pursuant to Section 54-3-700 of the 1976 Code, from the funds appropriated to the department, the~~  
11 ~~department must order a new appraisal for the property, which shall be the appraisal to which Section 54-3-700(C)(3) applies. The~~  
12 ~~appraisal must be conducted in strict accordance with Section 54-3-700(D), and the department, or the appraisal itself, must~~  
13 ~~demonstrate that the appraisal was conducted accordingly. Upon the completion of the appraisal, the department must publish the~~  
14 ~~appraisal, in its entirety, on the website maintained by the department. Also, the department shall make the appraisal available to~~  
15 ~~any interested party.~~

16 ~~(B) Beginning on the first day of the first month beginning thirty days after the completion of the appraisal, the department shall~~  
17 ~~list the property for sale at public auction. The auction shall close ninety days thereafter. If the department is unable to close the~~  
18 ~~sale of the property to the highest qualifying bidder, the department must sell the property to the second highest qualifying bidder if~~  
19 ~~the bidder is willing to close at the same bid amount. If the department is unable to close the sale of the property to the second~~  
20 ~~highest qualifying bidder, the department shall continue this process until it has exhausted all qualifying bidders. For purposes of~~  
21 ~~this section, a qualifying bid is a bid that meets the requirements of Section 54-3-700(C)(3).~~

22 ~~(C) Upon the transfer of the real and personal property at Port Royal to the Department of Administration pursuant to Section~~  
23 ~~54-3-700, the State Ports Authority, and any of its representatives, are divested of any authority, control, jurisdiction, or legal standing~~  
24 ~~in regards to the property.~~

25 **93.26.** (DOA: State Victim Assistance Program) ~~A county or municipality may retain carry forward funds that were collected~~  
26 ~~pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no~~  
27 ~~more than \$25,000 or ten percent of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does~~  
28 ~~not spend at least ninety percent of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208~~  
29 ~~(B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year~~  
30 ~~that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried~~  
31 ~~forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Department of Public Safety,~~  
32 ~~Office of Highway Safety and Justice Programs within 120 days after the end of the fiscal year. All funds must be accounted for in~~  
33 ~~the annual audit for each county or municipality.~~

34 ~~SOVA shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority~~  
35 ~~one and priority two funds and funds available for competitive bid.~~

1 SOVA is authorized to transfer to the State Victim Assistance Program housed in the Department of Public Safety any state funds  
2 deemed available under SOVA authority to be placed in the competitive bid process.

3 ~~The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim~~  
4 ~~services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.~~

5 **93.27.** (DOA: QECB Allocation) From the funds appropriated to the department, the director of the Department of Administration  
6 shall develop and implement a plan to utilize the state's remaining Qualified Energy Conservation Bond allocation to fund energy  
7 conservation projects on state-owned buildings and other eligible capital expenditures that benefit state agencies.

8 **93.28.** *(DOA: OCAB Head Start Program) Of the funds appropriated to the Department of Administration, III. Executive Policy*  
9 *& Programs, the department is directed to transfer \$30,000 to OCAB Community Action Agency, Inc., Head Start Program in order*  
10 *to match a grant award for the purchase of a 36-passenger bus to transport Head Start students.*

11 **93.29.** *(DOA: Jasper Ocean Terminal) From the funds appropriated to the Department of Administration, the department is*  
12 *directed to monitor the activities associated with the preparation for and/or actual permitting of the Jasper Ocean Terminal on the*  
13 *Savannah River in Jasper County, as set forth in Proviso 88.6, and to provide a semi-annual report of such activities to the members*  
14 *of the General Assembly.*

15 **93.30.** *(DOA: Cherry Grove Deferred Maintenance) In the current fiscal year, the Department of Administration shall transfer*  
16 *any remaining fund balance appropriated or authorized for the Cherry Grove Building Roof Repair pursuant to Act 286 of 2014 to*  
17 *the Department of Education. The remaining funds shall be used by the Department of Education for deferred maintenance and*  
18 *other capital improvements.*

## 20 SECTION 94 - D250 - OFFICE OF INSPECTOR GENERAL

21  
22 **94.1.** (OIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the  
23 House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud,  
24 waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.

## 26 SECTION 95 - E040 - OFFICE OF THE LIEUTENANT GOVERNOR

27  
28 **95.1.** (LTG: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the  
29 required state matching funds appropriated in Part IA, Section 95, Distribution to Subdivisions, shall be carried forward into the  
30 current fiscal year to be used as required state match for federal funds awarded to subdivisions on or before September thirtieth of  
31 the current fiscal year.

32 **95.2.** (LTG: State Match Funding Formula) Of the state funds appropriated under "Distribution to Subdivisions", the first  
33 allocation by the Office on Aging shall be for the provision of required State matching funds according to the Office on Aging  
34 formula for distributing Older Americans Act funds. The balance of this item shall be distributed to the planning and service areas  
35 of the State. In the event state appropriations are reduced, reductions to the planning and service areas shall be based on amounts  
36 distributed in accordance with the previous requirements.



1     **95.3.** (LTG: Registration Fees) The Office on Aging is authorized to receive and expend registration fees for educational,  
2 training and certification programs.

3     **95.4.** (LTG: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold  
4 meetings of the Coordinating Council established pursuant to Section 43-21-120 and of the Long Term Care Council established  
5 pursuant to Section 43-21-130, both under the Office on Aging in the Office of the Lieutenant Governor, are suspended for the  
6 current fiscal year.

7     **95.5.** (LTG: Home and Community-Based Services) State funds appropriated for Home and Community-Based Services shall  
8 be used to fund those services that most directly meet the goal of allowing seniors to live safely and independently at home.  
9 Allowable services as defined in the Lieutenant Governor's State Plan include: group dining, home delivered meals, transportation  
10 to group dining sites, transportation for essential trips, personal care (formerly Home Care Level I), homemaker (formerly Home  
11 Care Level II), Home Chore, Home Modification, Legal Assistance, and Assessments. Area Agencies on Aging (AAAs) may expend  
12 no more than ten percent for administrative services and one-quarter of one percent shall be retained by the Lieutenant Governor's  
13 Office on Aging to provide monitoring and oversight of the program. However, up to three percent of the annual state appropriation  
14 for Home and Community-Based Services may be retained at the Lieutenant Governor's Office on Aging to be allocated by the  
15 Lieutenant Governor's Office on Aging to the affected regions in cases of an emergency and/or natural disaster recognized by the  
16 Governor. If these funds are not utilized in the fiscal year allocated, they are to be treated as carry forward funds and reallocated to  
17 the AAAs. The Interstate Funding Formula shall be used as a guideline for the allocation of state funds appropriated for Home and  
18 Community-Based Services. The Lieutenant Governor's Office on Aging shall develop and implement a structured methodology to  
19 allocate the state Home and Community-Based Services funding. The methodology shall include flexibility to reallocate funds  
20 amongst the AAAs, and be composed of, at a minimum, the following factors: a minimum base amount, the fiscal year's federally  
21 allocated funds, federal and state carry forwards funds, and an appropriate weighted proportion that will achieve the mission of the  
22 Lieutenant Governor's Office on Aging to provide as many services as possible to the citizens of South Carolina. Each AAA shall  
23 submit a budget for approval by the Lieutenant Governor's Office on Aging indicating the services to be provided. Any unexpended  
24 Home and Community-Base Services funds in this program shall be carried forward by the Lieutenant Governor's Office on Aging  
25 and used for the same purposes. Funds may not be transferred from the Home and Community-Based special line item for any other  
26 purpose.

27     **95.6.** (LTG: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness  
28 Program, the Lieutenant Governor's Office on Aging is authorized to make a single lump sum payment to the lending institution of  
29 up to \$35,000 or the loan balance, whichever is less.

30     Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated in Part IA, Section 95, Geriatric Physician  
31 Loan Program, shall be carried forward and used for the same purpose as originally appropriated.

32     **95.7.** (LTG: Caregivers Carry Forward) Unexpended funds from appropriations to the Lieutenant Governor's Office on Aging  
33 for caregivers shall be carried forward from the prior fiscal year and used for the same purpose.

34     **95.8.** (LTG: Vulnerable Adult Guardian ad Litem Carry Forward) Any unexpended funds from appropriation to the Lieutenant  
35 Governor's Office on Aging for the Vulnerable Adult Guardian ad Litem Program shall be carried forward from the prior fiscal year  
36 and used for the same purpose.

1     **SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE**

2

3     **96.1.** (SS: UCC Filing Fees) Revenues from the fees raised pursuant to Section 36-9-525(a), not to exceed \$180,000, may be  
4 retained by the Secretary of State for purposes of UCC administration.

5     **96.2.** (SS: Charitable Funds Act Disclosure Violations) The Secretary of State shall refer to the Attorney General for  
6 investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the  
7 mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.

8     **96.3.** (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for  
9 investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the  
10 misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.

11

12     **SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL**

13

14     **97.1.** (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to approve,  
15 in his stead, disbursement documents authorizing payment, and the State Treasurer is hereby authorized to accept such approved  
16 disbursement documents when notified by the Comptroller General. This provision shall in no way relieve the Comptroller General  
17 of responsibility.

18     **97.2.** (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina issue  
19 financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller General  
20 is directed, as the State Accounting Officer, to maintain an Enterprise Information System for State Government (SCEIS) that will  
21 result in proper authorization and control of agency expenditures, including payroll transactions, and in the preparation and issuance  
22 of the official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the Comptroller  
23 General is given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The  
24 Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures  
25 required to implement fully changes required by GAAP.

26     **97.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed twenty-five  
27 cents, for insurance plans, credit unions, deferred compensation plans, benefit providers, and professional associations per deduction  
28 per pay day. This fee shall not be applied to charitable deductions. Vendors and other third parties receiving payroll deductions  
29 shall bear the entire cost of this fee, at no cost to state employees. The revenues generated from these fees and those provided for  
30 child support deductions in accordance with Section 63-17-1460(C), South Carolina Code of Laws, 1976, as amended, may be used  
31 to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward from the prior  
32 fiscal year to the current fiscal year and utilized for the same purposes.

33     **97.4.** (CG: Unemployment Compensation Fund Administration) The lesser of two percent or \$200,000 of the fund balance of  
34 the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency to  
35 recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, South

1 Carolina Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current  
2 fiscal year and used for the same purposes.

3 **97.5.** (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of  
4 rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

5 The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may  
6 be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

7  
8 **SECTION 98 - E160 - OFFICE OF STATE TREASURER**

9  
10 **98.1.** (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments  
11 receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance  
12 with authorized purposes.

13 **98.2.** (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the  
14 South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other functions  
15 of the State Treasurer's Office shall require the approval of the State Treasurer.

16 **98.3.** (TREAS: Investments) The State Treasurer may pool funds from accounts for investment purposes and may invest all  
17 monies in the same types of investments as set forth in Section 11-9-660.

18 **98.4.** (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs  
19 associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program, and  
20 the College Investment Program and is further authorized to retain and expend the fees to provide these services. The fees assessed  
21 may not exceed the cost of the provision of such services.

22 **98.5.** (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for the  
23 operating and management costs associated with the investment management and support operations of various state funds and  
24 programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost  
25 of the provision of these services or the earnings on these investments.

26 **98.6.** (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual  
27 costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further,  
28 may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds and  
29 other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other  
30 indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance  
31 must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

32 **98.7.** (TREAS: Withheld Accommodations Tax Revenues) Before noncompliant expenditures and penalties withheld pursuant  
33 to Sections 6-4-35(B)(1)(a) and (b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State  
34 Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired or that the action  
35 of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld  
36 must be reallocated annually after August first. Allocations withheld must be reallocated proportionately based on the most recent

1 completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer  
2 records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately then  
3 combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the General  
4 Fund of the State.

5 **98.8.** (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new  
6 enrollment in the current fiscal year. The annual increase in tuition for the purposes of the Tuition Prepayment Program, for an  
7 institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds  
8 an annual growth of seven percent per year since Fiscal Year 2006-07, colleges and universities must grant a waiver of the difference  
9 to the designated beneficiary and shall not pass along this difference to any student.

10 **98.9.** (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under  
11 Section 14-1-208 of the 1976 Code to the State Treasurer within thirteen months of the end of their fiscal year, the State Treasurer  
12 must withhold all state payments to that municipality until the required audited financial statement is received.

13 If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to  
14 court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.51 shall be followed if an amount  
15 due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality  
16 until the estimated deficiency has been satisfied.

17 If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall  
18 withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

19 After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit  
20 of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

21 **98.10.** (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign  
22 payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the  
23 State. This provision shall in no way relieve the State Treasurer of responsibility.

24 **98.11.** (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor, or  
25 auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any  
26 basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee  
27 auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when  
28 there is a reason to believe that those companies being audited are holding funds belonging to South Carolina citizens. The Office  
29 of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal compliance  
30 auditors to enforce the Unclaimed Property Act.

31 **98.12.** (TREAS: Municipality Accommodations Tax Withholdings) If the State Treasurer is withholding accommodations tax  
32 revenue distributions to a municipality due to an expenditure the Tourism Expenditure Review Committee determined to be in  
33 noncompliance, then the municipality may refund an amount equivalent to the amount determined to be in noncompliance to the  
34 municipality's accommodations tax fund from the municipality's general fund. If the municipality certifies to the Tourism  
35 Expenditure Review Committee that the amount has been refunded, the State Treasurer shall refund the withheld funds to the  
36 municipality's general fund. The expenditure of funds refunded to the municipality's accommodations tax fund and any subsequent

1 expenditures are subject to review by the Tourism Expenditure Review Committee. Prior to notification to the State Treasurer of  
2 noncompliance by a municipality, the Tourism Expenditure Review Committee must notify the municipality if an expenditure is  
3 found to be in noncompliance. If the committee informs the municipality of an expenditure determined to be in noncompliance and  
4 the municipality does not refund the noncompliant amount, the committee shall certify the noncompliance to the State Treasurer. If  
5 the committee determines an expenditure of any refunded amount to be in noncompliance, the municipality may not refund an  
6 equivalent amount in order to avoid future withholdings.

7 98.13. (TREAS: Investment Earnings and Interest) In accordance with the requirements of Section 11-13-125 of the 1976 Code,  
8 the State Treasurer shall remit all gross earnings and interest from investments of general deposit funds into the General Fund of  
9 the State.

#### 10 SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

11  
12  
13 **100.1.** (ADJ: Unit Maintenance Funds) The funds appropriated as unit maintenance funds shall be distributed to the various  
14 National Guard units at the direction of the Adjutant General.

15 **100.2.** (ADJ: Revenue Collections) All revenues collected by National Guard units from county and city appropriations, vending  
16 machines, rental of armories, court martial fines, federal reimbursements to armories for utility expenses, and other collections may  
17 be retained and expended in its budgeted operations.

18 **100.3.** (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for  
19 election purposes shall be the cost of providing custodial services, utilities and maintenance.

20 **100.4.** (ADJ: Parking Lot Revenues) Notwithstanding other provisions of this act, as a security measure for the State Military  
21 Department's headquarters building and grounds, the Adjutant General may control and contractually lease the headquarters building  
22 parking facilities, during events at the University of South Carolina's Williams-Brice Stadium, to a state chartered and federally  
23 recognized 501(c)(4) tax exempt agency employees' association who may then sub-lease individual parking spaces. Such a contract  
24 must require the employees association to obtain liability insurance against wrongful death or injury. The contract must clearly hold  
25 the Adjutant General's Office, its officers, and the State of South Carolina harmless from any liability resulting from the use of the  
26 parking lot when rented by the employees association. In addition, the contract must specify that the State of South Carolina's  
27 Military Department shall receive no less than thirty-three percent of the gross profits from the sub-leasing of the parking spaces.  
28 The contract must allow the State to audit the employees association's funds. Funds at the Adjutant General's Office derived wholly  
29 from the rental of Adjutant General's headquarters' parking lot may be retained at the Adjutant General's Office, but may not be  
30 used for employee perquisites.

31 **100.5.** (ADJ: Armory Rental Program) The Adjutant General is authorized to develop and implement an armory rental program  
32 to recoup costs associated with the use of armories by state agencies or other non-Guard organizations. The rental program must be  
33 uniform in its application to the maximum extent possible. Funds generated by this program may be retained and expended for  
34 armory maintenance and operations.

1       **100.6.** (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be stored  
2 and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations Centers  
3 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

4       **100.7.** (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be  
5 used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported  
6 annually to the General Assembly.

7       **100.8.** (ADJ: Retention of Lease Property Revenue) The Adjutant General is authorized to lease all real property under the control  
8 of SCMD. All revenue generated by the lease program may be retained for SCMD armory operations and maintenance as authorized  
9 by the Adjutant General or Deputy Adjutant General.

10       **100.9.** (ADJ: Billeting and Dining Facility Operations) All revenues collected by the Billeting and Dining Facility operations at  
11 the R.L. McCrady Training Center shall be retained and expended in their *its* budgeted operations. Expenditures from these funds  
12 shall be determined by the Billeting Committee for Billeting operations and the Deputy Adjutant General for state operations for the  
13 Dining Facility operation.

14       **100.10.** (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees  
15 of the Emergency Management Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion  
16 of the Agency Director, and providing funds are available.

17       **100.11.** (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil Air  
18 Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the South  
19 Carolina Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as  
20 permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in accordance with  
21 state fiscal policies.

22       **100.12.** (ADJ: Parking Lot Revenues-Columbia Armory, Buildings and Grounds) The Adjutant General may control and  
23 contractually lease the Columbia Armory, and its buildings and grounds parking facilities during events at the University of South  
24 Carolina's Williams-Brice Stadium. Funds derived wholly from the rental of the Columbia Armory, and its buildings and grounds  
25 parking facilities may be retained by the Adjutant General's Office and used for the Funeral Caisson and for SCMD operations,  
26 including matching federal funds and armory maintenance and operations. These funds may not be used for any other purpose.

27       **100.13.** (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water,  
28 Meals Ready to Eat (MREs), and other essential emergency commodities housed in the state's Logistic Center through the provision  
29 of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept  
30 compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the  
31 replacement of state emergency commodities.

32       **100.14.** (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is  
33 prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any  
34 other program or be used for any other purpose by the Office of Adjutant General.

35       **100.15.** (ADJ: Behavioral Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the  
36 Adjutant General may be utilized to hire a Behavioral Health Care Facilitator/Coordinator who shall act as a liaison to provide mental

1 health care coordination for mental health services to all members of the South Carolina National Guard. The responsibilities of the  
2 position shall include, but are not limited to, focusing on individuals without health insurance or without adequate health insurance;  
3 facilitating Memorandum of Understanding with mental health facilities across the state to provide assistance to National Guard  
4 Service Members; assisting in coordinating Yellow Ribbon and Beyond and other post deployment and mental health events;  
5 coordinating treatment for Service Members for conditions that may or may not result in their being medically non deployable; and  
6 participating in staff meetings to discuss care of Service Members. The individual hired must be knowledgeable of state and federal  
7 privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the individual have a previous background  
8 in Social Work. A national security background check must be performed on the individual prior to a job offer being tendered.

9 **100.16.** (ADJ: National or State Guard State Active Duty) In the event of the activation of the South Carolina National Guard  
10 or State Guard to State Active Duty ~~by the Governor in a Declaration of State Emergency in response to a declared emergency or~~  
11 in response to an imminent or anticipated emergency, including support provided under Section 25-9-420 of the 1976 Code, the  
12 Emergency Management Assistance Compact (EMAC), the State Treasurer and the Comptroller General are hereby authorized and  
13 directed to pay from the general fund of the State such funds as necessary, not to exceed \$500,000, to cover the actual costs incurred  
14 ~~for personnel, travel, and per diem costs, and the Operational Tempo costs for equipment from the U.S. Property and Fiscal Office.~~  
15 ~~EMAC and any Federal monies from a Declared Federal Emergency~~ Any funds reimbursed to the state shall be deposited in the state  
16 general fund, up to the amount of funds advanced to the South Carolina National Guard for the Declared State of Emergency Office  
17 of Adjutant General for these activities.

18 **100.17.** (ADJ: National Guard Association and Foundation Support) From the funds authorized or appropriated for State Military  
19 Department operations, the Adjutant General may authorize National Guard personnel to support and assist the National Guard  
20 Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety,  
21 education, and welfare of South Carolina National Guard personnel and their families.

22 **100.18.** (ADJ: State Guard Activation) In the event of activation of the State Guard of the South Carolina National Guard to  
23 State Active Duty, the Office of the Adjutant General is authorized to compensate State Guard personnel at a rate of \$150 per day  
24 and to also compensate such personnel for meal per diem as authorized by National Guard and State policy.

25 **100.19.** (ADJ: Disasters Expenditure Status Report) The Emergency Management Division of the Office of the Adjutant General  
26 shall prepare a quarterly report on the status of the expenditure of the funds appropriated in the current fiscal year or in a previous  
27 fiscal year for FEMA Match for the 2015 Flooding, for Hurricane Matthew, and for the Pinnacle Mountain Fire. The quarterly report  
28 must include, but is not limited to, expenditure by category of work by state/local and by county and shall be submitted to the  
29 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee beginning September 30,  
30 ~~2017~~ 2018.

31 **100.20.** (ADJ: Armory Revitalizations Carry Forward) The funds appropriated for Armory Revitalizations may be carried  
32 forward from the prior fiscal year and expended for the same purpose in the current fiscal year.

33 **100.21.** (ADJ: Hurricane Irma FEMA Match) The Office of Adjutant General, Emergency Management Division shall be  
34 authorized to utilize existing fund balances to provide the non-federal cost share to state and local government entities for work that  
35 is eligible under the Federal Emergency Management Agency Public Assistance Program for Hurricane Irma. Existing fund

1 balances may not be used to provide the non-federal cost share to the South Carolina Public Service Authority or to private non-  
2 profit entities.

3 100.22. (ADJ: Jackie Fogle Scholarship) For Fiscal Year 2018-19, from the funds appropriated for Youth Post Challenge,  
4 \$25,000 shall be used for the Jackie Fogle Scholarship.

5  
6 **SECTION 101 - E280 - ELECTION COMMISSION**

7  
8 **101.1.** (ELECT: County Boards of Voter Registration and Elections Compensation) The amounts appropriated in this section for  
9 “County Boards of Voter Registration and Elections Board Members,” shall be disbursed annually to the County Treasurer at the  
10 rate of \$1,500 for each member, not to exceed ~~\$12,500~~ \$13,500 per county. The County Treasurer shall use these funds only for the  
11 compensation of County Boards of Voter Registration and Elections Board Members. Any funds not used for this purpose shall be  
12 returned to the State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any  
13 across the board agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds  
14 appropriated for compensation of County Boards of Voter Registration and Elections Board Members shall be excluded from the  
15 agency’s base budget. Unexpended funds shall be carried forward from the prior fiscal year and shall be utilized for special primaries,  
16 runoffs, and elections.

17 **101.2.** (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per  
18 diem of \$75.00 for the day of work and \$60.00 for training and paperwork. Managers shall not be paid for more than two days for  
19 any election and clerks for not more than three days for any election. The commission may adjust the per diem of \$75.00 for the  
20 managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is  
21 sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers  
22 per county may be appointed to assist county boards of voter registration and elections with the absentee/fail safe voting process  
23 prior to, on Election Day, and immediately following statewide elections. Managers assisting the county boards of voter registration  
24 and elections in the absentee/fail safe process may receive a per diem of \$75.00 per day for not more than a total of fifteen days  
25 regardless of whether one, two, or three additional managers are used.

26 **101.3.** (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each member  
27 of the Board of State Canvassers up to a total of fifteen days that may be required for hearings held by the members of the Board of  
28 State Canvassers.

29 **101.4.** (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained and  
30 expended by the South Carolina Election Commission to reimburse the Department of Administration, for the printing of such lists  
31 and to pay expenses of postage and shipment of these lists to electors who purchase them. After such reimbursement has been made  
32 an amount, not to exceed \$400,000, shall be used for nonrecurring expenses in conjunction with extraordinary special election and  
33 legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the Sale of Lists Account on June  
34 thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

35 **101.5.** (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and nonrecurring general and primary election  
36 expenses are exempted from mandated across the board reductions. In addition, in the calculation of any across the board agency



1 base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for recurring  
2 and nonrecurring primary and general election expenses shall be excluded from the agency's base budget.

3 **101.6.** (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or  
4 special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections.  
5 Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same  
6 purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of  
7 the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, the  
8 aforementioned funds may also be utilized to conduct the Presidential Preference Primary elections.

9 **101.7.** (ELECT: Training & Certification Program) All members and staff of County Boards of Voter Registration and Elections  
10 will receive a common curriculum to include core courses on the duties and responsibilities of county boards of voter registration  
11 and elections and electives to promote quality service and professional development. The State Election Commission shall make  
12 these courses available in various locations, including but not be limited to, the upstate, coastal, and midlands areas of the state. Up  
13 to \$35,000 of revenue generated by charging a fee to attend these courses may be retained and expended by the South Carolina  
14 Election Commission to help cover the cost of providing the training. Any balance in the training and certification account on June  
15 thirtieth, of the prior fiscal year may be carried forward and expended for the same purpose during the current fiscal year.

16 The State Election Commission is required to withhold the stipend of members who do not complete the training and certification  
17 program as required in Section 7-5-10 of the 1976 Code. Additionally, funds will also be withheld if a board member completes the  
18 training and certification program, but fails to complete at least one training course per year. The board member and members of  
19 that county's legislative delegation will be notified of the withholding of the stipend and the requirements needed to bring the member  
20 into compliance with the law. If a board member cannot complete the program or complete the required continuing education due  
21 to extenuating circumstances, the board member must submit a written request to the county legislative delegation for approval or  
22 funds will continue to be withheld as described in this proviso. If a board member does not become compliant with the law within  
23 eighteen months of initial notification of stipend withholding, the county's legislative delegation must replace that person on the  
24 board.

25 **101.8.** (ELECT: Penalty for Late Submission of Reimbursable Expenses) In the event that a county submits reimbursable election  
26 expenses to the Commission for payment more than thirty days after the election is held, the Commission may deduct a penalty of  
27 ten percent of the late-submitted amount. The county is responsible for payment of this amount. If the Commission finds good  
28 reason for such late submission, the penalty may be waived. The Election Commission shall be authorized to expend funds  
29 appropriated/authorized in the current fiscal year to pay election expenses incurred by a county in the prior fiscal year. If a county  
30 submits a request for reimbursement of election expenses through any means other than the Voter Registration and Election  
31 Management System (VREMS), the Commission may deduct a penalty of ten percent of the amount submitted.

32 **101.9.** (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help  
33 America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

34 **101.10.** (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for  
35 federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds  
36 may accrue interest as per Section 254 (b) (1) of the Help America Vote Act. Unexpended funds shall be carried forward from the

1 prior fiscal year and shall be utilized for special primaries, runoffs, and elections. These funds may also be used to reimburse local  
2 governmental entities for expenses incurred in the prior fiscal year associated with special primaries, runoffs, and general elections.

3 **101.11.** (ELECT: Use of Election Funds) Funds appropriated to the Election Commission for the purpose of conducting elections  
4 shall not be used for any other purpose unless specifically authorized in this act. However, up to \$200,000 may be transferred to  
5 other operating accounts from General Election accounts upon approval from the Executive Budget Office, which shall then notify  
6 the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of such  
7 transfer of funds.

8 **101.12.** (ELECT: Statewide Voting System Reserve Fund) Of the funds appropriated for the New Statewide Voting System, there  
9 is created within the State Election Commission the Statewide Voting System Reserve Fund. This fund shall be separate and distinct  
10 from the General Fund and interest accrued by the fund must remain in the fund. This fund may only be used by the State Election  
11 Commission for the procurement of a new Statewide Voting System. The State Election Commission must receive authorization from  
12 the General Assembly prior to expending any amount from the fund. These funds shall be carried forward from the prior fiscal year  
13 into the current fiscal year and must be used for the same purpose.

14 **101.13.** (ELECT: Match for Additional HAVA Funds) In the event that additional Help America Vote Act federal funds become  
15 available, the commission shall be authorized to utilize funds appropriated for primary and general elections and for voting system  
16 refurbishment to provide a match for the federal funds.

## 17 SECTION 102 - E500 - REVENUE AND FISCAL AFFAIRS OFFICE

18 **102.1.** (RFAO: Geodetic Mapping Program) Funds appropriated or authorized to the Revenue and Fiscal Affairs Office for  
19 Mapping, shall be used to clarify county boundary determinations as directed by Section 27-2-105, of the 1976 Code and resolution  
20 of the boundary between the states of South Carolina and North Carolina.

21 An affected party disagreeing with a county boundary certified by the Revenue and Fiscal Affairs Office may appeal the  
22 certification to the South Carolina Administrative Law Court, which is vested with jurisdiction to hear and decide the case subject to  
23 the provisions of Section 1-23-380 of the 1976 Code, except that the case must be heard 'de novo.' Additionally, for purposes of  
24 determining the timelines of an appeal, notice is deemed to have been provided on the date of the written notice to affected parties.  
25 An affected party has sixty calendar days from the date of a written notice sent to the affected party to file an appeal with the  
26 Administrative Law Court.

27 **102.2.** (RFAO: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered  
28 voters are assigned to proper election districts, the Revenue and Fiscal Affairs Office, in conjunction with the South Carolina Election  
29 Commission, shall merge the voter registration file with the office's Geocoded Address List and the district boundaries of the  
30 Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other districts as the office  
31 possesses official district boundary records in electronic format. The merged systems will allow the Revenue and Fiscal Affairs  
32 Office to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district.  
33 File merger is required only for those districts in which elections are scheduled. Counties and municipalities shall release GIS to the  
34 Revenue and Fiscal Affairs Office upon the office's written request. Written request must be sent to the chief administrative officer  
35  
36

1 of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in  
2 the withholding of ten percent of the county's or municipality's state aid. The Executive Director of the Revenue and Fiscal Affairs  
3 Office may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For  
4 counties and municipalities that possess GIS data but do not release it, the Executive Director of the Revenue and Fiscal Affairs  
5 Office shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result  
6 in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and  
7 county data acquired by the Revenue and Fiscal Affairs Office in the course of performing its responsibilities may be used for other  
8 functions of the office as well as shared with other state agencies. For this provision GIS data includes, but is not limited to, road  
9 centerlines; orthophotography; parcel boundaries; address points; political boundaries; and administrative boundaries.

10 **102.3.** (RFAO: SC Health & Human Services Data Warehouse) There is hereby established within the Revenue and Fiscal Affairs  
11 Office, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that the operation  
12 of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined  
13 as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client  
14 information to the Revenue and Fiscal Affairs Office under this provision. To integrate client information, client data from health  
15 and human services state agencies will be linked to improve client outcome measures, enabling state agencies to analyze coordination  
16 and continuity of care issues. The addition of these data will enhance existing agency systems by providing client data from other  
17 state agency programs to assist in the provision of client services. Certain client information shall be delivered to the Revenue and  
18 Fiscal Affairs Office in order to assist in the development and maintenance of this Warehouse. The following agencies shall report  
19 client information:

- 20 • Departments of:
- 21 (1) Health and Human Services;
  - 22 (2) Health and Environmental Control;
  - 23 (3) Mental Health;
  - 24 (4) Alcohol and Other Drug Abuse Services;
  - 25 (5) Disabilities and Special Needs;
  - 26 (6) Social Services;
  - 27 (7) Vocational Rehabilitation;
  - 28 (8) Education;
  - 29 (9) Juvenile Justice;
  - 30 (10) Corrections;
  - 31 (11) Probation, Parole and Pardon Services;
- 32 • Department of Administration:
- 33 (1) Children's Foster Care Review Board;
  - 34 (2) Continuum of Care;
- 35 • Office of the Lieutenant Governor, Division on Aging;
- 36 • South Carolina School for the Deaf and the Blind;

- 1 • Commission for the Blind; and
- 2 • Other entities as deemed necessary by the Revenue and Fiscal Affairs Office.

3 These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Revenue and  
4 Fiscal Affairs Office (Office). The Office shall establish a Memorandum of Agreement with each agency, department or division.  
5 These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the conditions for  
6 the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release  
7 of data so as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the  
8 data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.

9 To ensure accountability and the coordinated, efficient delivery of health and human services, the Office shall implement, in  
10 consultation with state health and human services agencies and other entities as deemed necessary by the Office, an integrated data  
11 system that includes client data from all participating agencies.

12 In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other  
13 research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Office shall  
14 have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public institution or  
15 with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research and information  
16 dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to  
17 determine the feasibility of data collection and/or analyses, information dissemination and research. The confidentiality of data  
18 collected under these initiatives shall comply with applicable state and federal laws governing the privacy of data. The Office shall  
19 have the power to promulgate regulations, policies and procedures, in consultation with the participating agencies, for the  
20 development, protection and operation of the Data Warehouse, other research and analytic-oriented applications, and their underlying  
21 processes.

22 The Office shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from  
23 the Warehouse. All agencies shall cooperate with the Office in the development of these analytic tools. It is the intent of this provision  
24 that the analytic tools developed under this provision shall be made available to members of the South Carolina General Assembly  
25 and their research staff members, state agencies, and researchers. To that end, the Office shall, in consultation with the participating  
26 agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.

27 All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day operation  
28 of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of Health and  
29 Environmental Control shall be exempt from usage of the integrated client management system and the analytic query tools in the  
30 day-to-day operation of their Client Automated Record and Encounter System and their South Carolina Community Assessment  
31 Network, but shall provide the Warehouse with client data from the system and network.

32 No state agency shall duplicate any of the responsibilities of this provision.

33 For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission  
34 having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared inapplicable  
35 to this subsection.

1       **102.4.** (RFAO: E911 PSAPs) The Revenue and Fiscal Affairs Office, utilizing the funds appropriated and or authorized herein  
2 for the E911 program, must ensure that any new plans or proposed amendments to existing plans maintain comprehensive coverage  
3 for the full Public Safety Answering Points area as well as improve cost effectiveness. No new plans or amendments may be  
4 considered by Revenue and Fiscal Affairs that do not include the written agreement of all jurisdictions affected by the new plan or  
5 proposed change as well as provide cost savings on the state and local level. Local Public Safety Answering Points are encouraged  
6 to cooperate to find ways to continue to improve cost effectiveness and efficiencies for all affected entities.

7       **102.5.** (RFAO: Revenue for Goods and Services) The respective sections of the Revenue and Fiscal Affairs Office are authorized  
8 to provide and receive from other governmental entities, including other divisions, state and local agencies and departments, and the  
9 private sector, goods and services, as will in its opinion promote efficient and economical operations. The sections may charge and  
10 pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and  
11 expended only for the costs of providing the goods and services, and such funds may be retained and be expended for the same  
12 purposes.

13       **102.6.** (RFAO: 911 Advisory Committee) For the current fiscal year, the Executive Director of the Revenue and Fiscal Affairs  
14 Office shall appoint an individual with technical or operational knowledge of E-911 systems to the South Carolina 911 Advisory  
15 Committee, which formerly had an appointment of a director of a division of the State Budget and Control Board, ex officio. In  
16 addition to the members designated to serve on the advisory committee, the Executive Director of the Revenue and Fiscal Affairs  
17 Office may appoint a designee to serve on the advisory committee on his behalf.

18       **102.7.** (RFAO: NG9-1-1 Strategic Plan) The Revenue and Fiscal Affairs Office shall be authorized to use up to \$150,000 of the  
19 funds from the 58.2 percent compliance cost portion of the wireless 9-1-1 fund for costs associated with the further planning,  
20 development, and implementation of the comprehensive statewide NG9-1-1 system as outlined in the South Carolina NG9-1-1  
21 strategic plan. Associated costs include, but are not limited to, the hiring of consultants, technical experts, or other professionals for  
22 assistance in defining, developing, or implementing the operating model and standards, system or technical requirements, or other  
23 elements of the system as outlined in the strategic plan.  
24

25       **SECTION 104 - E550 - STATE FISCAL ACCOUNTABILITY AUTHORITY**

26  
27       **104.1.** (SFAA: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum  
28 Commission, the Confederate Relic Room and Military Museum Commission, and the South Carolina Hunley Commission as  
29 defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures,  
30 or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for  
31 such objects and benefits to the State. The South Carolina Arts Commission shall review such determination for approval prior to  
32 any acquisition.

33       **104.2.** (SFAA: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the  
34 State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care  
35 litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a

1 monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the  
2 provider of these services the amount certified.

3 **104.3.** (SFAA: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for  
4 Pharmacy (MMCAP), a private, nonprofit corporation that provides only free medical care may be allowed to participate as a local  
5 public procurement unit in the MMCAP cooperative purchase. The participation of nonprofit corporations in the program is  
6 contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating nonprofit corporations  
7 must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall  
8 not be liable for any action or inaction of such a nonprofit corporation.

9 **104.4.** (SFAA: Insurance Coverage for Aging Entity Authorized) The State Fiscal Accountability Authority, through the  
10 Insurance Reserve Fund, for Fiscal Year ~~2017-18~~ 2018-19, is also authorized to offer insurance coverage to an aging entity and its  
11 employees serving clients countywide which previously obtained its tort liability insurance coverage through the board. The  
12 Insurance Reserve Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any  
13 insufficiencies of coverage provided hereunder.

14 **104.5.** (SFAA: IRF Report) The State Fiscal Accountability Authority shall prepare a report on prior fiscal year utilization of the  
15 Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or payment,  
16 and the action or reason that necessitated the transfer. The report shall be submitted to the President Pro Tempore of the Senate, the  
17 Chairman of the Senate Finance Committee, the Speaker of the House of Representatives, and the Chairman of the House Ways and  
18 Means Committee by October fifteenth, of the current fiscal year.

19 **104.6.** (SFAA: Second Injury Fund Closure Plan) The State Fiscal Accountability Authority is authorized and empowered to take  
20 all necessary actions to administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-320(A) of the  
21 1976 Code, as amended, and to use the separate and distinct trust and administrative accounts established for this purpose.

22 **104.7.** (SFAA: IT Planning Transfer) The State Fiscal Accountability Authority shall transfer \$400,000 from revenue generated  
23 from contract administration fees on information technology contracts to the Department of Administration to support the state's  
24 information technology planning program.

25 **104.8.** (SFAA: Attorneys) For the current fiscal year, during the transition of the Insurance Reserve Fund from the Budget and  
26 Control Board to the State Fiscal Accountability Authority, the Insurance Reserve Fund shall continue to approve the attorneys-at-law  
27 retained to defend those it insures. In addition, the authority of the former Budget and Control Board under Section 1-7-170(A) is  
28 devolved upon the State Fiscal Accountability Authority.

29 **104.9.** (SFAA: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the  
30 governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior  
31 favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or  
32 technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No  
33 agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and  
34 commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay  
35 a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary  
36 Commission. The funding of the salaries of any agency head or technical college president should come from resources within the

1 agency. The State Fiscal Accountability Authority shall contract every four years for a study of agency head and technical college  
2 president compensation. The cost of the study must be shared by the participating agencies. The staff of the State Fiscal  
3 Accountability Authority shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of  
4 the respective salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical  
5 college president to provide salary increases for an agency head or technical college president not to exceed that recommended by  
6 the Agency Head Salary Commission. No agency head or technical college president shall be paid less than the minimum  
7 of the pay range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.

8 **104.10.** (SFAA: Continuation of Authority) The respective divisions of the State Fiscal Accountability Authority are authorized  
9 to provide to and receive from other governmental entities, including other divisions and state and local agencies and departments,  
10 goods and services, as will in its opinion promote efficient and economical operations. The divisions may charge and pay the entities  
11 for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and expended only  
12 for the costs of providing the goods and services, and such funds may be retained and expended for the same purposes.  
13

#### 14 SECTION 105 - F270 - SFAA, STATE AUDITOR'S OFFICE

15

16 **105.1.** (SFAA-AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit  
17 requirements of the Single Audit Act Amendments of 1996 and ~~OMB Circular A-133, Audits of States, Local Governments and~~  
18 ~~Nonprofit Organizations~~ Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost  
19 Principles, and Audit Requirements for Federal Awards (Uniform Guidance) shall remit to the State Auditor an amount representing  
20 an equitable portion of the expense of contracting with a nationally recognized CPA firm to conduct a portion of the audit of the  
21 State's federal financial assistance.

22 Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such  
23 remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years. The State Auditor  
24 shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current  
25 fiscal year for the same purpose.

26 **105.2.** (SFAA-AUD: Medical Assistance Audit Carry Forward) The State Auditor's Office shall retain and expend the funds  
27 received from the Department of Health and Human Services for the Medical Assistance Audit Program pursuant to Proviso 33.3 of  
28 this act and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

29 **105.3.** (SFAA-AUD: Coordination with Inspector General) In the event the State Auditor's Office identifies instances of fraud,  
30 waste, and abuse during any state agency audit, the State Auditor shall refer such instances to the State Inspector General for  
31 examination. The State Auditor shall prepare and submit an annual report to the Chairmen of the House Ways and Means Committee  
32 and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse submitted to the State  
33 Inspector General.

34 **105.4.** (SFAA-AUD: Annual Audit of Court Fees and Fines Reports) The State Auditor shall conduct a minimum of fifteen audits  
35 annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as required by Section  
36 14-1-210 of the 1976 Code and allowed by Section 14-1-240; however, the State Auditor shall not be required to spend more than

1 the annual amount of \$250,000, received from the State Treasurer to conduct the said audits pursuant to Section 14-1-210 of the 1976  
2 Code. The State Auditor may contract with one or more CPA/accounting firms to conduct the required audits. The State Auditor  
3 shall consult with the State Treasurer to determine the jurisdictions to be audited in the current fiscal year. Jurisdictions may be  
4 selected randomly or based on an instance in the current or previous fiscal year of failing to report, incorrectly reporting or under  
5 remitting amounts owed. The funds transferred to the State Auditor by the State Treasurer shall not be used for any purpose other  
6 than to conduct the described audits and report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or  
7 other monetary penalties imposed and/or mandated are properly collected and remitted to the State. Any unexpended balance on  
8 June thirtieth of the prior fiscal year shall be carried forward and must be expended for the same purpose during the current fiscal  
9 year. The State Auditor shall annually report by October first, its findings of the jurisdictions audited to the Senate Finance  
10 Committee and the House Ways and Means Committee.

11

12 **SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS**

13

14 **106.1.** (SEB: SCRS & PORS Allocation) The funds appropriated in the current fiscal year for SCRS Employer Contributions and  
15 PORS Employer Contributions shall be allocated to state agencies and school districts by the Department of Administration,  
16 Executive Budget Office for SCRS and PORS rate increases.

17

18 **SECTION 108 - F500 - PUBLIC EMPLOYEE BENEFIT AUTHORITY**

19

20 **108.1.** (PEBA: Lottery, Infrastructure Bank, and Magistrates Health Insurance) South Carolina Lottery Commissioners and South  
21 Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the State  
22 Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit Authority. If  
23 a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are eligible to  
24 participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as determined by the  
25 Public Employee Benefit Authority.

26 **108.2.** (PEBA: Adoption Assistance Program) The Employee Adoption Assistance Program is established to provide grants to  
27 eligible employees to assist them with the direct costs of adoption. The program shall be an employee benefit through the Public  
28 Employee Benefit Authority (PEBA) and shall be funded from the appropriation for the State Health Plan as provided in this act.  
29 Total funding for the Adoption Program shall not exceed the amount authorized by the General Assembly in the annual appropriations  
30 act. Employees are eligible for the Adoption Program if they participate in PEBA insurance benefits, have adopted a child during  
31 the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program criteria. The  
32 application period shall be July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year.  
33 The maximum grant amounts shall be \$10,000 in the case of the adoption of a special needs child and \$5,000 for all other child  
34 adoptions. Should the total amount needed to fund grants at the maximum level exceed the amount authorized, the amount of a grant  
35 to an eligible employee shall be determined by dividing the authorized amount evenly among qualified program applicants, with the  
36 adoption of a special needs child qualifying for two times the benefit of a non-special needs child.



1       **108.3.** (PEBA: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the  
2 1976 Code by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate between  
3 tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based  
4 upon tobacco use. The surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and  
5 dependent(s).

6       **108.4.** (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance  
7 Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical  
8 condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an  
9 immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment  
10 of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided  
11 contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium  
12 paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in  
13 the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same  
14 manner and by the same method that other risks are adjusted  
15 for in similar circumstances. The plan must report this determination annually to the respective Chairmen of the Senate Finance  
16 Committee and the House Ways and Means Committee.

17       **108.5.** (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer a group TRICARE  
18 Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers  
19 may pay premiums for such policies on a pretax basis, in accordance with federal law and regulations. PEBA may charge TRICARE  
20 Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

21       **108.6.** (PEBA: State Health Plan) Of the funds authorized for the State Health Plan pursuant to Section 1-11-710(A)(2) of the  
22 1976 Code, an employer premium increase of ~~3.3~~ 8.1 percent and a subscriber premium increase of zero percent for each tier  
23 (subscriber, subscriber/spouse, subscriber/children, full family) will result for the standard State Health Plan in Plan Year ~~2018~~ 2019.  
24 Copayments for participants of the State Health Plan in Plan Year ~~2018~~ 2019 shall not ~~may~~ be increased to the extent permitted to  
25 maintain status as a grandfathered plan under the federal Affordable Care Act. Notwithstanding the foregoing, pursuant to Section  
26 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan, benefits, or contributions of the State Health Plan during  
27 Plan Year ~~2018~~ 2019 to ensure the fiscal stability of the Plan.

28       **108.7.** (PEBA: Exempt National Guard Pension Fund) In the calculation of any across-the-board cut mandated by the Executive  
29 Budget Office or General Assembly, the amount of the appropriation for the National Guard Pension Fund shall be excluded.

30       **108.8.** (PEBA: Inactive SCRS Account Transfer) A current employee or teacher who is an active participant in the State Optional  
31 Retirement Program but who has an inactive account in the South Carolina Retirement Program due to previous service in that  
32 system, shall be allowed to transfer previous contributions to the employee's or teacher's active State Optional Retirement Program  
33 account.

34       **108.9.** (PEBA: Network Pharmacy Publications) All pharmacy publications or lists must include independent retail pharmacies.  
35 Abridged pharmacy lists are prohibited.

1       **108.10.** (PEBA: Covered Contraceptives) In its Plan of Benefits effective January 1, 2017, the State Health Plan shall not apply  
2 patient cost sharing provisions to covered contraceptives. This provision does not alter the current approved list of contraceptives  
3 and complies with the requirements of proviso 108.4.

4       **108.11.** (PEBA: Former Spouses on the State Health Plan) In its Plan of Benefits effective January 1, 2018, the State Health  
5 Plan shall cover a subscriber's former spouse, who is eligible to be covered pursuant to a court order, on the former spouse's own  
6 individual policy and at the full amount of the premium for the coverage elected, with such rates, billing, and other administrative  
7 policies to be determined by the Public Employee Benefit Authority. The former spouses may only elect such health, dental, and  
8 vision coverage as required by the court order. The former spouse's individual coverage may continue under the State Health Plan  
9 as long as authorized under the court order and the subscriber remains a participant in the State Health Plan. This proviso does not  
10 affect a subscriber's ability to cover a current spouse on an employee/retiree and spouse or full family policy when the subscriber's  
11 former spouse is covered on a separate policy.

12       **108.12.** RESERVED

13       **108.13.** (PEBA: Non-Revocation of Beneficiary Designations) For the payment of benefits during Fiscal Year 2018-19, the  
14 provisions of Section 62-2-507 of the 1976 Code related to the revocation of beneficiary designations upon divorce are hereby  
15 suspended for the administration of the employee benefit plans established pursuant to Article 5 of Chapter 11 of Title 1, Chapter 23  
16 of the Title 8, or Title 9 of the 1976 Code.

17       **108.14.** (PEBA: Removal of Notarization Requirement for Retirement Systems) The provisions in Sections 9-1-1650, 9-9-70(A),  
18 9-9-100(2), 9-11-110(1), 9-11-170(5) and 9-11-170(6) of the 1976 Code requiring a written beneficiary designation to be "duly  
19 acknowledged" are hereby suspended for Fiscal Year 2018-19. The requirement that a PEBA form or other writing signed by a  
20 member be "notarized" pursuant to Section 9-9-70(B) is hereby suspended for Fiscal Year 2018-19.

21       **108.15.** (PEBA: Suspension of Fiduciary Audit) The provision of Section 9-4-40 of the 1976 Code requiring the performance  
22 and completion of a fiduciary audit of the Public Employee Benefit Authority by January 15, 2019, is hereby suspended for Fiscal  
23 Year 2018-19.

24       **108.16.** (PEBA: Application of Earnings Limitation) Compensation received in the current fiscal year by a retired member of  
25 the South Carolina Retirement System or the South Carolina Police Officers Retirement System to undertake an activity for a  
26 participating employer of either system that has traditionally been performed by employees of the participating employer is  
27 considered earnings from covered employment for the purposes of the earnings limitation set out in Section 9-1-1790(A) and Section  
28 9-11-90(4)(a) of the 1976 Code, subject to the exceptions set forth therein. In making a determination about whether the activity has  
29 been traditionally performed by employees of the participating employer, the Public Employee Benefit Authority shall consider  
30 whether there is evidence of the right to or exercise control over the retired members; the method of payment, whether by the job or  
31 by wage; who furnishes equipment to perform the activity; and the right to fire.

32  
33       **SECTION 109 - R440 - DEPARTMENT OF REVENUE**

34  
35       **109.1.** (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed to  
36 testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall reimburse

1 the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the cost of  
2 materials and the average daily salary of the employee or employees.

3 **109.2.** (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained  
4 in a special account and shall be carried forward from year to year, and expended as needed to accomplish the purposes and conditions  
5 of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

6 **109.3.** (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized  
7 to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Fund under the  
8 Rural Infrastructure Authority. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the  
9 Department of Commerce, Coordinating Council.

10 **109.4.** (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on overdue  
11 tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be used for  
12 continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee shall be  
13 carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the Department of  
14 Revenue and the South Carolina Business One Stop program.

15 **109.5.** (DOR: Across the Board Cut Exemption) Whenever the Executive Budget Office or General Assembly implements an  
16 across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated  
17 budget reduction.

18 **109.6.** (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a  
19 program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee  
20 concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past  
21 ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments,  
22 liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is  
23 made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

24 (B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or  
25 appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the  
26 candidates name as it will appear on the ballot or the appointee's name as it appears on his income tax returns; (2) identify the years  
27 that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or appointee  
28 was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each year that the  
29 candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid income taxes due  
30 each year that the candidate or appointee was required to file income tax returns; and (5) state whether the candidate or appointee  
31 had a judgment, lien, or other penalty levied against him for failure to pay income taxes when due, the year of the levy, and whether  
32 that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's complete income tax return when  
33 fulfilling its obligations under this proviso.

34 (C) (1) Participation in this program by a candidate or appointee is voluntary.

35 (2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the  
36 information posted.

1       **109.7.** (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection  
2 Program to prevent payment of fraudulent tax refunds. To implement the program the department may contract with information  
3 and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings  
4 realized by implementation.

5       **109.8.** (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain up to \$140,000 of mailing and  
6 associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal Treasury  
7 Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining revenue shall  
8 be deposited in the General Fund.

9       **109.9.** (DOR: May Events) Of the accommodation tax returned to Horry County or the municipalities therein, *excluding*  
10 *municipalities that have enacted a Tourism Development Fee* up to one third of the total allocation may be set aside and used for  
11 direct policing activities during events held in May within Horry County. By October thirty-first, the local government must inform  
12 the Department of Revenue the percentage of accommodation tax to withhold, not to exceed one third of the estimated yearly return,  
13 ~~that~~ *which* will be dedicated to direct policing activities. These funds shall be sent by the Department of Revenue to the local  
14 governing entity upon request of the local entity. A report on the expenditure of these funds, which must include the amount and  
15 purpose for which the funds were expended shall be submitted by the county or municipalities to the Governor, the Chairman of  
16 Senate Finance Committee and the Chairman of House Ways and Means Committee no later than ninety days after the end of any  
17 event in which these funds are expended.

18       **109.10.** (DOR: Educational Credit for Exceptional Needs Children) (A) As used in this proviso:

19       (1) "Eligible school" means an independent school including those religious in nature, other than a public school, at which  
20 the compulsory attendance requirements of Section 59-65-10 may be met, that:

- 21           (a) offers a general education to primary or secondary school students;  
22           (b) does not discriminate on the basis of race, color, or national origin;  
23           (c) is located in this State;  
24           (d) has an educational curriculum that includes courses set forth in the state's diploma requirements, graduation  
25 certificate requirements (for special needs children), and where the students attending are administered national achievement or state  
26 standardized tests, or both, at progressive grade levels to determine student progress;  
27           (e) has school facilities that are subject to applicable federal, state, and local laws;  
28           (f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association  
29 of Christian Schools, the South Carolina Independent Schools Association, or Palmetto Association of Independent Schools; and  
30           (g) provides a specially designed program or learning resource center to provide needed accommodations based on the  
31 needs of exceptional needs students or provides onsite educational services or supports to meet the needs of exceptional needs  
32 students, or is a school specifically existing to meet the needs of only exceptional needs students with documented disabilities.

33       (2) "Exceptional needs child" means a child:

- 34           (a) who has been evaluated in accordance with this state's evaluation criteria, as set forth in S.C. Code Ann. Regs.  
35 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with  
36 the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

1 (b) who has been diagnosed within the last three years by a licensed speech-language pathologist, psychiatrist, or  
2 medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental  
3 disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute  
4 or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional  
5 and associated supports and services tailored to the child's unique needs.

6 (3) "Independent school" means a school, other than a public school, at which the compulsory attendance requirements of  
7 Section 59-65-10 may be met and that does not discriminate based on the grounds of race, color, religion, or national origin.

8 (4) "Parent" means the natural or adoptive parent or legal guardian of a child.

9 (5) "Qualifying student" means a student who is an exceptional needs child, a South Carolina resident, and who is eligible  
10 to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the applicable  
11 school year.

12 (6) "Resident public school district" means the public school district in which a student resides, or in the case of dependents  
13 of active military personnel, the public school district which the student may attend.

14 (7) "Transportation" means transportation to and from school only.

15 (8) "Tuition" means the total amount of money charged for the cost of a qualifying student to attend an independent school  
16 including, but not limited to, fees for attending the school, textbook fees, and school-related transportation.

17 (9) "Department" means the Department of Revenue.

18 (B) (1) There is created the Educational Credit for Exceptional Needs Children Fund that is separate and distinct from the State  
19 general fund. The fund shall be organized by the department as a public charity as defined by the Internal Revenue Code under  
20 sections 509(a)(1) through 509(a)(4) and consist solely of contributions made to the fund. The fund may not receive an appropriation  
21 of public funds. The fund shall receive and hold all contributions intended for it as well as all earnings until disbursed as provided  
22 in this chapter. Monies received in the fund shall be used to provide scholarships to exceptional needs children attending eligible  
23 schools.

24 (2) The amounts on deposit in the fund do not constitute public funds nor are the deposits property of the State. Amounts  
25 on deposit in the fund must not be commingled with public funds and the State shall have no claim to or interest in the amounts on  
26 deposit. Agreements or contracts entered into by or on behalf of the fund do not constitute a debt or obligation of the State.

27 (3) The public charity shall be governed by five directors, two appointed by the Chairman of the House Ways and Means  
28 Committee, one of which is based upon the recommendation of the South Carolina Association of Christian Schools and one which  
29 is based upon the recommendation of the Diocese of Charleston, two appointed by the Chairman of the Senate Finance Committee  
30 based upon the recommendations of the South Carolina Independent Schools Association and one appointed by the Governor based  
31 upon the recommendation of the Palmetto Association of Independent Schools. The directors of the public charity, along with the  
32 Director of the Department of Revenue, shall designate an executive director of the public charity.

33 (4) In concert with the public charity directors, the Department of Revenue shall administer the public charity, including,  
34 but not limited to, the keeping of records, the management of accounts, and disbursement of the grants awarded pursuant to this  
35 proviso. The public charity may expend up to two percent of the fund for administration and related costs. Neither the department  
36 or the public charity may expend public funds to administer the program.

1 Information contained in or produced from a tax return, document, or magnetically or electronically stored data utilized by the  
2 Department of Revenue or the public charity in the exercise of its duties as provided in this proviso shall remain confidential and is  
3 exempt from disclosure pursuant to the Freedom of Information Act. Personally identifiable information, as described in the Family  
4 Educational Rights and Privacy Act and individual health records, or the medical or wellness needs of children applying for or  
5 receiving grants shall remain confidential and are not subject to disclosure pursuant to the Freedom of Information Act.

6 (5) By June thirtieth of the current fiscal year, the Department of Revenue must report to the Chairman of the Senate Finance  
7 Committee, the Chairman of the House Ways and Means Committee and the Governor:

8 (a) the number and total amount of grants issued to eligible schools in the fiscal year;

9 (b) for each grant issued to an eligible school in the fiscal year, the identity of the school and the amount of the grant;

10 (c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible  
11 schools;

12 (d) a copy of a compilation, review, or audit of the fund's financial statements, conducted by a certified public  
13 accounting firm and;

14 (e) the criteria and eligibility requirements for scholarship awards.

15 (C) (1) Grants may be awarded in an amount not exceeding eleven thousand dollars or the total annual cost of tuition, whichever  
16 is less, to a qualifying student at an eligible school. Tuition charged to qualifying students by eligible schools receiving grants may  
17 not exceed tuition charged to non-participating students.

18 (2) Before awarding any grant, the public charity must receive written documentation from the qualifying student's parent  
19 or guardian documenting that the qualifying student is an exceptional needs child. Upon approving the application, the public charity  
20 must issue a check to the eligible school in the name of the qualifying student within either thirty days upon approval of the application  
21 or thirty days of the start of the school's semester.

22 (3) In the event that the qualifying student leaves or withdraws from the school for any reason before the end of the semester  
23 or school year and does not reenroll within thirty days, then the eligible school must return a prorated amount of the grant to the  
24 public charity based on the number of days the qualifying student was enrolled in the school during the semester or school year  
25 within sixty days of the qualifying student's departure.

26 (4) The public charity may not award grants solely for the benefit of one school.

27 (5) The department or the public charity may not release any personally identifiable information pertaining to students or  
28 donors or use information collected about donors, students, or schools for financial gain.

29 (6) The public charity shall develop a process to prioritize the awarding of grants to eligible incumbent grant recipients at  
30 eligible schools.

31 (D) (1) (a) Tax credits authorized by subsection (H)(1) and subsection (I) of this proviso annually may not exceed cumulatively  
32 a total of eleven million dollars for contributions to the Educational Credit for Exceptional Needs Children Fund.

33 (b) Tax credits authorized pursuant to subsection (H)(2) of this proviso annually may not exceed cumulatively a total  
34 of two million dollars for tuition payments made on behalf of qualifying students.

35 (c) If the department determines that the total of the credits claimed by all taxpayers exceeds either limit amount as  
36 contained in items (a) or (b), it shall allow credits only up to those amounts on a first come, first served basis.

1 (2) (a) The department shall establish an application process to determine the amount of credit available to be claimed.  
2 The receipt of the application by the department shall determine priority for the credit. Subject to the provisions of subitem (e),  
3 contributions must be made annually on or before June thirtieth, in order to claim the credit. The credit must be claimed on the return  
4 for the tax year that the contribution is made.

5 (b) A taxpayer may not claim more than sixty percent of his total tax liability for the year in contribution toward the  
6 tax credit authorized by subsection (H)(1) or subsection (I). This credit is not refundable.

7 (c) If a taxpayer deducts the amount of the contribution on his federal return and claims the credit allowed by subsection  
8 (H)(1) or subsection (I), then he must add back the amount of the deduction for purposes of South Carolina income taxes.

9 (d) The department shall prescribe the form and manner of proof required to obtain the credit authorized by subsection  
10 (H)(1) or subsection (I). The department shall also develop a method of informing taxpayers if the credit limit is met at any time  
11 during the fiscal year.

12 (e) A taxpayer only may claim a credit pursuant to subsection (H)(1) and subsection (I) for contributions made during  
13 the fiscal year.

14 (3) A corporation or entity entitled to a credit under subsection (H)(1) and subsection (I) may not convey, assign, or transfer  
15 the credit authorized by this proviso to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in  
16 the same transaction.

17 (E) (1) On or before August first, of the current fiscal year an independent school who participated in the program in the prior  
18 fiscal year and who desires to participate in the program in the current fiscal year must reapply to the Education Oversight Committee.  
19 The independent school must certify to the Education Oversight Committee that it continues to meet all program requirements and  
20 must provide to the committee student test score data from the prior school year by December thirty-first. If student test score data  
21 are not submitted by December thirty-first, then the Education Oversight Committee must remove the school from the program. The  
22 Education Oversight Committee must consult with the Southern Association of Colleges and Schools, the South Carolina Association  
23 of Christian Schools, the South Carolina Independent Schools Association, Palmetto Association of Independent Schools, or the  
24 Diocese of Charleston to verify that the school is still a member in good standing and that the school continues to serve exceptional  
25 needs children. An independent school who did not participate in the program in the prior fiscal year but desires to participate in the  
26 program in the current fiscal year must apply to the Education Oversight Committee. The Education Oversight Committee shall  
27 develop an application to be completed by the independent schools which must contain at least:

28 (a) the number and total amount of grants received in the preceding fiscal year;

29 (b) student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested  
30 and administered by the school receiving or entitled to receive scholarship grants pursuant to this chapter in the previous fiscal year.  
31 The school must also provide individual student test scores on national achievement or state standardized tests, or both, for any  
32 student in grades 1 through 12 who received a grant from the program during the prior school year. The information will be used  
33 to provide program level reports to determine whether students participating in the program have experienced measurable  
34 improvement. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement;

35 (c) a copy of a compilation, review, or compliance audit of the organization's financial statements as relating to the  
36 grants received, conducted by a certified public accounting firm; and

1 (d) a certification by the independent school that it meets the definition of an eligible school as that term is defined in  
2 subsection (A)(1) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

3 (2) (a) The Education Oversight Committee may waive the August first deadline contained in subsection (E) upon good  
4 cause shown by an independent school.

5 (b) The Education Oversight Committee may waive some or all of the curriculum requirements contained in subsection  
6 (A)(1)(d) following consultation with the advisory committee.

7 (3) (a) By September 1, ~~2016~~ *of the current fiscal year* the Education Oversight Committee shall publish on its website a  
8 comprehensive list of independent schools certified as eligible institutions. The list shall include for each eligible institution:

9 (i) the institution's name, addresses, telephone numbers, and, if available, website addresses; and

10 (ii) the score reports and compliance audits received by the committee pursuant to subsection (E)(1)(b) and (c).

11 (b) The Education Oversight Committee shall summarize or redact the score reports identified in item (3)(a)(ii) if  
12 necessary to prevent the disclosure of personally identifiable information.

13 (4) An independent school that does not apply for certification pursuant to this subsection must not be included on the list  
14 of eligible schools and contributions to that school shall not be allowed for purposes of the tax credits permitted by this proviso.

15 (5) An independent school that is denied certification pursuant to this section may seek review by filing a request for a  
16 contested case hearing with the Administrative Law Court in accordance with the court's rules of procedure.

17 (6) Annually, the Education Oversight Committee will issue a report to the General Assembly documenting the impact of  
18 the Educational Credit for Exceptional Needs Children Program on student achievement. In addition, the report will include  
19 information on individual schools if at least 51 percent of the total enrolled students in the private school participated in the  
20 Educational Credit for Exceptional Needs Children Program in the prior school year. The report shall be according to each  
21 participating private school, and for participating students, in which there are at least 30 participating students who have scores for  
22 tests administered. If the Education Oversight Committee determines that the 30 participating-student cell size may be reduced  
23 without disclosing personally identifiable information of a participating student, the Education Oversight Committee may reduce the  
24 participating-student cell size, but the cell size must not be reduced to less than 10 participating students.

25 (F) (1) The Education Oversight Committee shall establish an advisory committee made up of not more than nine members,  
26 including parents, and representatives of independent schools and independent school associations.

27 (2) The advisory committee shall:

28 (a) consult with the Education Oversight Committee concerning requests for exemptions from curriculum  
29 requirements; and

30 (b) provide recommendations on other matters requested by the Education Oversight Committee.

31 (G) Except as otherwise provided, the Department of Education, the Education Oversight Committee, and the Department of  
32 Revenue, nor any other state agency may regulate the educational program of an independent school that accepts students receiving  
33 scholarship grants pursuant to this chapter."

34 (H) (1) A taxpayer is entitled to a tax credit against income taxes imposed pursuant to Chapter 6, Title 12 for the amount of cash  
35 and the monetary value of any publicly traded securities the taxpayer contributes to the Educational Credit for Exceptional Needs  
36 Children Fund up to the limits contained in subsection (D)(1)(a) of this proviso if:



1 (a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who  
2 qualify for these grants under the provisions of this proviso; and

3 (b) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

4 (2) (a) A taxpayer is entitled to a refundable tax credit against income taxes imposed pursuant to Chapter 6, Title 12 for  
5 the amount of cash and the monetary value of any publicly traded securities, not exceeding eleven thousand dollars per child, for  
6 tuition payments to an eligible school for an exceptional needs child within his custody or care who would be eligible for a grant  
7 pursuant to this proviso up to the limits contained in subsection (D)(1)(b) of this proviso.

8 (b) If a child within the care and custody of taxpayer claiming a tax credit pursuant to this item also receives a grant  
9 from the Educational Credit for Exceptional Needs Children Fund, then the taxpayer may only claim a credit equal to the difference  
10 of eleven thousand dollars or the cost of tuition, whichever is lower, and the amount of the grant.

11 (c) A child within the care and custody of a taxpayer claiming a credit pursuant to this item may not be charged tuition  
12 in an amount that exceeds the tuition that is charged to non-participating students.

13 (I) A taxpayer is entitled to a tax credit against income taxes imposed pursuant to Chapter 11, Title 12 for the amount of cash  
14 and the monetary value of any publicly traded securities the taxpayer contributes to the Educational Credit for Exceptional Needs  
15 Children Fund up to the limits contained in subsection (D)(1)(a) of this proviso if:

16 (1) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who qualify  
17 for these grants under the provisions of this proviso; and

18 (2) the taxpayer does not designate a specific child or school as the beneficiary of the contribution.

19 (J) The department shall conduct a comprehensive study of the Exceptional Needs Tax Credit program. The study shall examine  
20 the following:

21 ~~(1) whether or not the students participating in the program have experienced measurable improvement as a result of~~  
22 ~~participation;~~

23 ~~(2) the allocation of scholarship funds and tax credits among students, including the effect of funding limitations on the~~  
24 ~~addition of new participants; the demographic and socio-economic data of the participants and their families, including the~~  
25 ~~distribution of scholarship funds by income ranges to be determined by the department of scholarship recipients, and/or their legal~~  
26 ~~guardians, as applicable; and the geographical distribution of the participants. In reporting the information required by this sub-~~  
27 ~~item, the department shall protect and shall not display, any personally identifiable information of scholarship recipients, their~~  
28 ~~families or legal guardians, and/or taxpayers;~~

29 ~~(3) the distribution of scholarship funds among all eligible schools;~~

30 ~~(4) identification of the schools in which the most measurable improvement has occurred among students, with an analysis~~  
31 ~~of the types of schools achieving the best results and best practices implemented by those schools; and~~

32 ~~(5) any other aspect of the program that the department determines would be relevant and useful in making future policy~~  
33 ~~decisions in regard to the program and its continued existence or expansion.~~

34 The department shall submit a report of its study to the General Assembly no later than January 15, ~~2018~~ of the current fiscal year.

35 109.11. (DOR: Tourist Safety) Of the accommodation tax returned to any municipality in Horry County that has a Tourism  
36 Development Fee, up to fifty percent of the allocation designated under Section 6-4-10(3) of the 1976 Code may be set aside and

1 used for direct policing purposes related to tourism. Direct policing purposes include temporary personnel, equipment, and the  
2 installation and maintenance of infrastructure related thereto. These funds may not exceed sixty-five percent of the total new funds  
3 dedicated to the additional policing purposes implemented. Each municipality utilizing this provision shall include expenditures and  
4 revenue sources in its annual report to the Tourism Expenditure Review Committee and shall submit copies of the report to the  
5 Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

6 **109.12.** (DOR: Notification of Protest) In the current fiscal year and from the funds appropriated, if a taxpayer, other than an  
7 individual, files a written protest pursuant to Section 12-60-2120 of the 1976 Code, the department shall notify any affected county  
8 and school district of the written protest.

## 10 SECTION 110 - R520 - STATE ETHICS COMMISSION

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12 **110.1.** (ETHICS: Ethics Commission Website Changes) In the current fiscal year, prior to approving or adopting any changes to  
13 the State Ethics Commission Public Disclosure and Accountability Reporting System, the State Ethics Commission shall submit the  
14 proposed changes to the Senate Ethics Committee and House of Representatives Ethics Committee for their review and approval.  
15 As third party beneficiaries to any agreement between the State Ethics Commission and a vendor relating to the State Ethics  
16 Commission Public Disclosure and Accountability Reporting System, the General Assembly through its respective Ethics  
17 Committees can submit suggested changes to any proposed agreement or contract relating to the State Ethics Commission Public  
18 Disclosure and Accountability Reporting System and the State Ethics Commission shall be required to incorporate those suggestions  
19 into any contractual negotiation.

20 **110.2.** (ETHICS: Commission Meeting) The Ethics Commission must meet at least one time each month and post notice of meeting  
21 at least twenty-four hours in advance on the agency website.

## 23 SECTION 111 - S600 - PROCUREMENT REVIEW PANEL

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25 **111.1.** (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be  
26 accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is  
27 authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5),  
28 11-35-4230(6), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried  
29 forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel.  
30 If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed  
31 Request for Filing Fee Waiver form at the same time the request for review is filed. The panel shall make the Request for Filing Fee  
32 Waiver forms available to the chief procurement officers to provide to parties along with notice of right to appeal to the panel. If the  
33 filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the  
34 filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for  
35 Filing Fee Waiver form at the time of filing.

1 **SECTION 112 - V040 - DEBT SERVICE**

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3 **112.1.** (DS: Excess Debt Service) Appropriated debt service in excess of necessary amounts equaling \$59,803,017 must be transferred to fund the appropriations contained in Proviso 118.15. Any additional Excess excess debt service funds from available in Fiscal Year 2016-17 2018-19 must may be carried forward and expended in Fiscal Year 2017-18 expended in the fiscal year to pay down general obligation bond debt for which the State (1) is paying the highest rate of interest, (2) will achieve relief in constrained debt capacity, or (3) reduce the amount of debt issued. Before excess debt service funds are utilized for these purposes, the State Treasurer's Office shall submit its proposal to the Joint Bond Review Committee for review and comment.

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9 **112.2.** (DS: Ports Authority Loan) From the funds appropriated for "General Obligation Bonds" which exceed the principal and interest due in the current fiscal year and paid from the General Fund, the State Treasurer is directed to transfer up to \$50,000,000 to the General Fund to be effected as a loan to the State Ports Authority to assist in cash flow needs related to the Charleston Harbor Deepening Project. Upon receipt of the federal government's share of the project, the State Ports Authority shall reimburse the General Fund the amount of the loan received, together with interest accrued to the date of reimbursement, calculated at the rate earned on the General Fund for the period during which the loan remains outstanding.

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16 **SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER**

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18 **113.1.** (AS-TREAS: Veterans' Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 113, as adjusted for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to one hundred percent of the amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

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23 **113.2.** (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2017-18~~ 2018-19, one quarter of the amount appropriated in Part IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with the four distributions together totaling the Fiscal Year ~~2017-18~~ 2018-19 Part IA appropriation for the Local Government Fund.

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26 **113.3.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by the State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of deeds.

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32 The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for

1 each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state  
2 employees.

3 The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners,  
4 Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General  
5 Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials  
6 without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these  
7 officials' budgets must be made in consultation with the affected official.

8 **113.4.** (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative delegation  
9 budget pursuant to Section 3, Act No. 283 of 1975. If a county council does not meet that funding level, the amount of the shortfall  
10 must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislative delegation of the  
11 county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by twenty-five percent of  
12 the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its administrative costs.

13 **113.5.** (AS-TREAS: LGF) For Fiscal Year ~~2017-18~~ 2018-19, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976  
14 Code are suspended.

15 **113.6.** (AS-TREAS: Transparency-Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from  
16 the Local Government Fund may not:

17 (1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political  
18 subdivision's budget or in an amendment to the political subdivision's budget;

19 (2) except in cases of emergency or unforeseen circumstances, donate funds to a nonprofit organization unless the amounts  
20 donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political  
21 subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or  
22 unforeseen circumstances, a political subdivision may donate funds to a nonprofit organization if the amount and purpose of the  
23 proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open  
24 session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization  
25 for five days following the announced intent to make the donation; or

26 (3) accept any funds from nongovernmental and inter-governmental organizations as defined in Agenda 21, adopted by the  
27 United Nations in 1992 at its Conference on Environment and Development, accredited and enlisted by the United Nations to assist  
28 in the implementation of its policies relative to Agenda 21 around the world without posting the following on the political  
29 subdivision's website for ten days:

30 (a) a full and detailed list of the funding program, including a designation that the funding program is associated with  
31 Agenda 21,

32 (b) the amount of funds involved,

33 (c) every mandate or requirement or action that will result from the grant or funding program's implementation,

34 (d) any and all projected costs to the political subdivision, business, or individual associated with the grant or funding  
35 program, and

36 (e) the stated goals and expected results of the grant or funding program.

1 (B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the  
2 requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.

3 **113.7.** (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2017-18~~ 2018-19, a political subdivision receiving aid  
4 from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal  
5 to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to  
6 be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court  
7 of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their  
8 offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and  
9 their offices, and assessment for indigent medical care pursuant to Section 44-6-146 of the 1976 Code.

10 **113.8.** (AS-TREAS: Agricultural Use Exemption) A county shall have its portion of the Aid to Subdivisions, Local Government  
11 Fund withheld if the county imposes any additional requirements for an agricultural use exemption for a landowner's timberland  
12 beyond what is required by Section 12-43-230(a) and Section 12-43-232 of the 1976 Code.

#### 13 14 SECTION 117 - X900 - GENERAL PROVISIONS

15  
16 **117.1.** (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided,  
17 all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and  
18 departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income  
19 derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each  
20 week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution,  
21 department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement,  
22 showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall,  
23 at the same time, forward a copy of such report or statement to the Comptroller General and the Executive Budget Office. In order  
24 to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the  
25 authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer. General  
26 fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues  
27 derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable  
28 Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in the  
29 Statement of Revenues of this act. Appropriations in this act for the support of the public school system shall include the following:

30 Department of Education;  
31 State Board for Technical and Comprehensive Education;  
32 Educational Television Commission;  
33 Wil Lou Gray Opportunity School;  
34 School for the Deaf and the Blind;  
35 John de la Howe School;

1 Debt Service on Capital Improvement Bonds Applicable to  
2 Above Agencies;  
3 Debt Service on School Bonds;  
4 Other School Purposes.

5 Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

6 **117.2.** (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part,  
7 if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways  
8 and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year  
9 ~~2017-18~~ 2018-19, and for other purposes specifically designated.

10 **117.3.** (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal  
11 year beginning July 1, ~~2017~~ 2018, and ending June 30, ~~2018~~ 2019, and “prior fiscal year” means the fiscal year beginning July 1,  
12 ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018.

13 **117.4.** (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are  
14 not to be considered part of the official text.

15 **117.5.** (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and  
16 institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions  
17 such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17,  
18 Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1, Chapter  
19 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate court. To  
20 this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to serve as  
21 court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall utilize the  
22 services of such state employees whenever feasible. State employees shall receive no additional compensation for performing such  
23 services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and individuals serving  
24 an internship or residency as an academic requirement or employees who are not full-time state employees and who are not  
25 performing duties as state employees are not considered state employees.

26 **117.6.** (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior  
27 year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with  
28 current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval  
29 process when the old fiscal year closes.

30 **117.7.** (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an  
31 existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or  
32 function is authorized by statutory law and set by regulation except as provided in this paragraph.

33 (B) This paragraph does not apply to:

- 34 (1) state-supported governmental health care facilities;
- 35 (2) state-supported schools, colleges, and universities;
- 36 (3) educational, entertainment, recreational, cultural, and training programs;

- 1 (4) the State Board of Financial Institutions;
- 2 (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- 3 (6) charges by state agencies for room and board provided on state-owned property;
- 4 (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- 5 (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- 6 (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

7 (C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for  
8 services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health  
9 care and laboratory services regardless of whether the fee is set by statute.

10 (D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative  
11 Procedures Act.

12 **117.8.** (GP: State Institutions - Revenues & Income) The University of South Carolina, Clemson University, the Medical  
13 University of South Carolina (including the Medical University Hospital), The Citadel, Winthrop University, South Carolina State  
14 University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou  
15 Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according  
16 to the terms of Section 117.1 of this act, but all such revenues or income so collected, except fees received as regular term tuition,  
17 matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective  
18 institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976 Code, and  
19 expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for permanent  
20 improvements without the express written approval of the State Fiscal Accountability Authority and the Joint Legislative Capital  
21 Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the amount that is  
22 necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding other provisions  
23 of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of  
24 student organizations, and from the operations of canteens and bookstores, and from approved Private Practice plans at institutions  
25 and affiliated agencies may be retained at the institution and expended by the respective institutions only in accord with policies  
26 established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the provisions of this act  
27 concerning unclassified personnel compensation, travel, equipment purchases and other purchasing regulations shall not apply to the  
28 use of these funds.

29 **117.9.** (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs  
30 and within the agency with notification to the Executive Budget Office and Comptroller General. No such transfer may exceed  
31 twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly  
32 on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other  
33 operating accounts to personal service accounts may be restricted to any established standard level set by the State Fiscal  
34 Accountability Authority upon formal approval by a majority of the members of the State Fiscal Accountability Authority.

35 **117.10.** (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) Amounts appropriated to the Department of Health and  
36 Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover

1 program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit  
2 exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be  
3 submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of receipt  
4 of such actions.

5 **117.11.** (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall be  
6 fixed by the respective Boards of Trustees as follows:

7 (1) Fees applicable to student housing, dining halls, student health service, parking facility, laundries and all other personal  
8 subsistence expenses shall be sufficient to fully cover the total direct operating and capital expenses of providing such facilities and  
9 services over their expected useful life except those operating or capital expenses related to the removal of asbestos.

10 (2) Student activity fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

11 **117.12.** (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, funds at technical  
12 education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores  
13 may be retained by the college and expended only in accord with policies established by the respective college's area commission  
14 and approved by the State Board for Technical and Comprehensive Education.

15 **117.13.** (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote employees  
16 without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to apply to all  
17 levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation, benefits,  
18 promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of the State to  
19 take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age,  
20 religion or physical disability.

21 Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by  
22 October thirty-first, of each year.

23 In accordance with Section 1-13-110 of the 1976 Code, as amended, the Human Affairs Commission shall submit a report on the  
24 status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February first each year. This report  
25 shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period,  
26 a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of  
27 whether affirmative action goals were achieved. For each job group referenced in the Human Affairs report, where the hiring of  
28 personnel does not reflect the percentage goals established in the agency's affirmative action plan for the year in question, the state  
29 agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth, explaining why goals were not  
30 achieved.

31 The Human Affairs Commission shall review the explanations and notify the Department of Administration of any agency not in  
32 satisfactory compliance with meeting its stated goals.

33 The Department of Administration shall notify any agency not in compliance that their request for additional appropriations for  
34 the current appropriation cycle, may not be processed until such time as the Department of Administration, after consultation with  
35 the Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan,  
36 and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances



1 of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or aid to entities.  
2 This section does not apply to those agencies that have been exempted from the reporting requirements of the Human Affairs  
3 Commission.

4 **117.14.** (GP: FTE Management) In order to provide the necessary control over the number of employees, the Executive Budget  
5 Office is hereby directed to maintain close supervision over the number of state employees, and to require specifically the following:

6 (1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state  
7 sources as provided in each section of this act except by majority vote of the State Fiscal Accountability Authority.

8 (2) That the Executive Budget Office shall maintain and make, as necessary, periodic adjustments thereto, an official record  
9 of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

10 (a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each agency  
11 of the State must have established on the Executive Budget Office records all positions authorized in the Act. Each agency may,  
12 upon notification to the Executive Budget Office, change the funding source of state FTE positions established on the Executive  
13 Budget Office records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state  
14 appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized  
15 number of state or total full-time equivalent positions. Each agency may transfer FTEs between programs as needed to accomplish  
16 the agency mission.

17 (b) That by September thirtieth, the office shall prepare a FTE analysis, by agency, which shows the number of authorized,  
18 filled, and vacant positions by source of funds for the current and two previously completed fiscal years. The office shall provide a  
19 copy of each agency's FTE analysis to the Senate Finance and House Ways and Means Committees.

20 (3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

21 (a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

22 (b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for  
23 that position.

24 (c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty  
25 with a duration of nine months.

26 The FTE method of accounting shall be utilized for all authorized positions.

27 (4) That the number of positions authorized in this act shall be reduced in the following circumstances:

28 (a) Upon request by an agency.

29 (b) When anticipated federal funds are not made available.

30 (c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of positions  
31 in any state agency.

32 ~~(5) That the number of positions authorized in this act shall be increased for the sole purpose of classifying Temporary,~~  
33 ~~Time Limited and Temporary Grant positions created prior to July 1, 2017, that merit such classification as FTEs because the agency~~  
34 ~~has determined that the duties will continue indefinitely. The new FTEs created through this process and filled by existing non-FTE~~  
35 ~~staff shall be exempt from the posting process. Additionally, affected Temporary Grant and Time Limited employees shall transfer~~  
36 ~~any unused annual and sick leave to their FTE positions.~~

1     ~~The Division of State Human Resources, in consultation with the Executive Budget Office, shall formulate guidelines for the~~  
2 ~~administration of this item. The request by the agency must include a justification for changing the position, justification of an~~  
3 ~~insufficient vacancy pool, identification of sufficient funds with current appropriations, identification of source of funds to be utilized,~~  
4 ~~and assurance that the FTEs are not being used to create new jobs. The guidelines shall also include a process for submitting requests~~  
5 ~~including a deadline for submission of requests.~~

6     ~~The Department of Administration shall review the request and approve, deny, or modify it as appropriate. The department shall~~  
7 ~~further ensure that the FTE Constitutional limits are observed. This item in no way requires agencies to submit requests, and does~~  
8 ~~not guarantee any employment status to staff. A report on FTE issuance through this item shall be submitted to the Chairman of the~~  
9 ~~Senate Finance Committee and the Chairman of the House Ways and Means Committee no later than January sixth of the current~~  
10 ~~fiscal year.~~

11     ~~(6 5)That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but~~  
12 ~~temporary positions may be so funded.~~

13     ~~(7 6)That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation~~  
14 ~~Plan under item I of Section 8-11-260 of the 1976 Code.~~

15     The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of  
16 personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one  
17 hundred percent of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new  
18 positions).

19     **117.15.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State,  
20 including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of  
21 employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for  
22 at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge  
23 for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency  
24 maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of the state's penal  
25 institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical  
26 care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff  
27 of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED  
28 Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics and the  
29 Governor's School for Arts and Humanities who are required to stay on campus by the institution because of job requirements or  
30 program participation. Any state institution of higher learning may provide complimentary membership privileges to employees  
31 who work at their wellness centers. The presidents of those state institutions of higher learning authorized to provide on-campus  
32 residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

33     Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount  
34 to be approved by the State Fiscal Accountability Authority.

35     That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm Director,  
36 Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of

1 Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Game  
2 Management Personnel, Fish Hatchery Personnel, and Fort Johnson Superintendent; the Department of Parks, Recreation and  
3 Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the  
4 Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control  
5 personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life  
6 Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm  
7 Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of Disabilities and  
8 Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and  
9 Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area Directors; and housing  
10 maintenance night supervisors, residence life directors, temporary and transition employees, and emergency medical personnel  
11 occupying residences owned by the University of South Carolina. Except in the case of elected officials, the fair market rental value  
12 of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head  
13 Salary Commission, and the Department of Administration by October first of each fiscal year.

14 All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved  
15 by the Department of Administration, applicable to all personnel of the State Government whose compensation is not specifically  
16 fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is  
17 drawn. The Department of Administration is authorized to approve temporary salary adjustments for classified and unclassified  
18 employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment  
19 shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic  
20 personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the  
21 plan may be excluded therefrom but their compensations as approved by the Department of Administration shall, nevertheless, be  
22 subject to review by the State Fiscal Accountability Authority. Salary appropriations for employees fixed in this act shall be in full  
23 for all services rendered, and no supplements from other sources shall be permitted or approved by the State Fiscal Accountability  
24 Authority. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is  
25 otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically  
26 fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. As long as there is no impact on appropriated  
27 funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award  
28 programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section,  
29 monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of  
30 employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the  
31 Department of Administration.

32 In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if  
33 the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet  
34 the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average  
35 of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging  
36 provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent

1 paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the  
2 close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time  
3 during the calendar year in which the period begins.

4 **117.16.** (GP: Universities & Colleges - Allowance for Presidents) Presidents of the University of South Carolina, Clemson  
5 University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis  
6 Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed allowance  
7 for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be made to the  
8 presidents from funds available to their respective institutions for any personal expenses incurred provided that all requests for  
9 reimbursement are supported by properly documented vouchers processed through the normal accounting procedures of the  
10 institutions.

11 **117.17.** (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department  
12 of Probation, Parole and Pardon Services, Department of Mental Health, Department of Disabilities and Special Needs, Continuum  
13 of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee  
14 which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be  
15 made only if the loss has resulted from actions by the employee deemed to be appropriate and in the line of duty by the agency head  
16 and if the damaged or destroyed item is found by the agency head to be reasonable in value, and necessary for the employee to carry  
17 out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per item, per  
18 incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

19 **117.18.** (GP: Business Expense Reimbursement) Agency heads and deputy commissioners or deputy directors designated by  
20 agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that  
21 receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the  
22 expense as well as the names of the individuals involved. The Department of Administration shall promulgate regulations governing  
23 these expenses.

24 **117.19.** (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of \$35 per day.  
25 No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or  
26 committees.

27 **117.20.** (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated,  
28 federal, local or other funds, shall be allowed in accordance with the following provisions:

29 (A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any  
30 agency thereof including employees and members of the governing bodies of each technical college while traveling on the business  
31 of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to  
32 exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging  
33 reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is  
34 paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an  
35 employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority  
36 by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the

1 obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of South  
2 Carolina the maximum daily reimbursement for meals shall not exceed \$32. Agencies may contract with food or dining facilities to  
3 pay for meals on behalf of employees in accordance with rules and regulations established by the Office of Comptroller General. It  
4 shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order  
5 to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration.  
6 Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other  
7 extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to  
8 institutions of higher learning, for travel paid with funds other than General Funds.

9 (B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business  
10 for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

11 (C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant  
12 General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

13 (D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose  
14 membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are  
15 not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day while traveling on official business,  
16 unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual  
17 expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

18 (E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem  
19 basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while  
20 away from their places of residence on official business of the State. One person accompanying a handicapped member of a state  
21 board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses  
22 incurred at the rates provided in paragraph A through I of this section.

23 (F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while  
24 traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county  
25 of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the  
26 amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on  
27 official business of said court fifty or more miles outside the county of his official residence, each Justice and Judge of the Court of  
28 Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such  
29 mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief  
30 Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the  
31 National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial  
32 Judges shall be allowed actual subsistence and travel expenses.

33 Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court  
34 Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate  
35 provided in paragraph A of this section.

1 (G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while  
2 holding court within the county in which he resides. While holding court or on other official business outside the county, within  
3 fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence  
4 allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While  
5 holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or  
6 Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General  
7 Assembly plus such mileage allowance for travel as is provided for other employees of the State.

8 (H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve  
9 as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall  
10 receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

11 (I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by  
12 which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory  
13 or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may  
14 be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission may be  
15 reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence  
16 reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official  
17 residence. When traveling on official business of the commission outside the county of his official residence, a member of the  
18 Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$35 per day. When traveling on official  
19 business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a  
20 subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of  
21 the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce  
22 may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable  
23 by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be  
24 reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members  
25 of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as  
26 provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of  
27 Columbia.

28 (J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge  
29 to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such  
30 automobile and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this  
31 calculation shall be the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are  
32 reasonably available and their use is practical and an employee of the State shall request for his own benefit to use his or her personal  
33 vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage rate as  
34 established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of  
35 supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate established by the  
36 Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep

1 thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent  
2 possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles  
3 are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical  
4 mode of transportation, due consideration being given to urgency, schedules and like factors.

5 Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an  
6 employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall  
7 be eligible for reimbursement for actual mileage beginning at his/her residence.

8 (K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of  
9 ordinary and necessary travel required in the conducting of the business of the agency. The Office of Comptroller General is directed  
10 to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such  
11 advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the  
12 agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

13 (L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees  
14 when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent  
15 staff members.

16 (M) The Office of Comptroller General is authorized to promulgate and publish rules and regulations governing travel and  
17 subsistence payments.

18 (N) No state funds may be used to purchase first class airline tickets.

19 **117.21.** (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall  
20 render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting  
21 of how the state funds will be spent, *goals to be accomplished*, a copy of the adopted budget for the current year, and also a copy of  
22 the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be  
23 expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed  
24 to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The  
25 State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions  
26 in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the State Fiscal  
27 Accountability Authority. From the funds an organization receives from a state agency, for accountability purposes, by June thirtieth  
28 organizations receiving contributions in this act shall submit a report to the state agency making the contribution that includes an  
29 accounting of how the funds were spent and the success of the stated goals. State agencies receiving such data from organizations  
30 shall forward the information to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means  
31 Committee.

32 **117.22.** (GP: State-Owned Aircraft - Flight Logs) Each agency having in its custody one or more aircraft shall maintain a  
33 continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall  
34 also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official  
35 business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor,  
36 Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees

1 for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state  
2 official shall use any state-owned or operated aircraft unless the member or official files within twenty-four hours after the completion  
3 of the flight with the agency that provided the flight a sworn statement certifying and describing the official nature of his trip; and  
4 no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished  
5 air transportation by a state agency unless such agency prepares and maintains in its files a sworn statement from the highest ranking  
6 official of the agency or its designee certifying that the member's or state official's trip was in conjunction with the official business  
7 of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee  
8 meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or  
9 political function.

10 All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of  
11 any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of  
12 SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall be  
13 listed in writing on the flight log as "Confidential Passenger SLED or the Department of Commerce (strike one)" and the appropriate  
14 official of SLED or the department shall certify to the agency operating the aircraft the necessity for such confidentiality. The  
15 Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

16 Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-700(A) of the 1976 Code  
17 and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a  
18 violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as  
19 provided by law. The above provisions do not apply to state-owned or operated aircraft when used by the Medical University of  
20 South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher  
21 education, nor to law enforcement officers when flying on state-owned aircraft in pursuit of fugitives, missing persons, or felons or  
22 for investigation of gang, drug, or other violent crimes.

23 Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

24 **117.23.** (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior  
25 fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any  
26 appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

27 This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the  
28 amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section  
29 11-11-320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid  
30 a year-end deficit shall be reduced proportionately from each agency's carry forward amount.

31 Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate  
32 authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried  
33 forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

34 **117.24.** (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State Medicaid  
35 Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA)  
36 option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the Department of



1 Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, and the  
2 Department of Health and Human Services shall collectively review and identify existing state appropriations within their respective  
3 budgets that can be used as state match to serve these children. Such funds shall be used effective January 1, 1995 to implement  
4 TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend less in the current fiscal  
5 year than expended in the previous fiscal year.

6 **117.25.** (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider  
7 contracting for services or purchasing goods and services through the Department of Corrections' Prison Industries Program. The  
8 Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison Industries.  
9 The department is hereby directed to develop and market a catalogue of Prison Industries products for nationwide circulation.

10 **117.26.** (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures  
11 for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the  
12 Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing  
13 copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the  
14 annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses  
15 and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include  
16 position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources  
17 of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences, teleconferences, workshops, or  
18 seminars for training on a per person basis) must be shown as a separate subtotal within the grand total for the individual employees  
19 and the agency as a whole. The list for each agency must be in rank order with the largest expenditure first and the name of the  
20 employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The  
21 Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no  
22 exceptions to this report in that the information contained is not considered confidential or restricted for economic development  
23 purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

24 **117.27.** (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the  
25 Department of Education, in consultation with the Department of Administration, the State Library, the Educational Television  
26 Commission, and a representative from the Education Oversight Committee, shall administer the K-12 technology initiative funds.  
27 These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state,  
28 conduct cost/benefit analyses of the various technologies, and should, to the maximum extent possible, involve public-private sector  
29 collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of  
30 the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

31 **117.28.** (GP: State-Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education  
32 institution, including four-year institutions, two-year institutions, and technical colleges, that operates an early childhood  
33 development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care  
34 facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of faculty,  
35 staff, and students of the institution; nor shall fees be set at a lower level for faculty, staff, or students of the institution or agency.

1       **117.29.** (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior fiscal year, as required in Section  
2 1-1-810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public on  
3 or before September fifteenth, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary  
4 Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to  
5 identify key program area descriptions and expenditures and link these to key financial and performance results measures. The  
6 Executive Budget Office is directed to develop a process for training agency leaders on the annual agency accountability report and  
7 its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented and  
8 reported annually, the state supported colleges, universities and technical schools shall report in accordance with Section 59-101-350.

9       **117.30.** (GP: Collection on Dishonored Payments) In lieu of any other provision of law, any state agency may collect a service  
10 charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments or  
11 electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person  
12 upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be  
13 retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following  
14 fiscal year.

15       **117.31.** (GP: State DNA Database) Funds collected by the South Carolina Department of Corrections, the Department of  
16 Probation, Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law  
17 Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and  
18 carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the  
19 DNA Database program.

20       **117.32.** (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Department of  
21 Administration, a program to realign resources to include provisions for a separation incentive payment for employees which may  
22 include the employer portion of health and dental benefits not to exceed one year. ~~Employees participating in such program shall~~  
23 ~~not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program.~~ Employees participating in such  
24 program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section  
25 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary  
26 participation from employees and will be funded within existing appropriations. The program must be approved by the agency head  
27 and the Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment and/or  
28 permanent downsizing. State agencies shall report the prior year's results to the Department of Administration by August fifteenth,  
29 of the current fiscal year. The Department of Administration, upon request, shall report to the Senate Finance Committee and the  
30 House Ways and Means Committee on these results.

31       **117.33.** (GP: Alternative Commitment to Truancy) ~~As part of its plan for an alternative school, a school district receiving funds~~  
32 ~~from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose~~  
33 ~~truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an~~  
34 ~~individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the~~  
35 ~~individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school~~  
36 ~~for a non-attending child before petitioning the court.~~

1       **117.34.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of  
2 Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all  
3 methods it has used to collect that debt. This report is due by the last day of February for the previous calendar year. For purposes  
4 of this provision, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity for more  
5 than sixty calendar days.

6       **117.35.** (GP: State-Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or  
7 otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or  
8 both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability  
9 of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the library's  
10 computers must be unfiltered. Each library's governing officials shall determine the physical location of any unfiltered computer(s).  
11 The library also must have a written policy providing sanctions against a person who instructs or demonstrates to another person  
12 how to bypass this web-filtering technology.

13       (B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting  
14 from this reduction must be distributed among other libraries that are in compliance with subsection (A).

15       **117.36.** (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any  
16 unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for  
17 the same purpose.

18       **117.37.** (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36,  
19 Title 12 of the 1976 Code the sales price of tangible personal property purchased for use in private primary and secondary schools,  
20 including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section 501(c)(3)  
21 of the Internal Revenue Code. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as described  
22 in Section 12-6-40 of the 1976 Code. This exemption applies for sales occurring after 1995. No refund is due any taxpayer of use  
23 tax paid on sales exempted by this paragraph.

24       **117.38.** (GP: Personal Property Tax Relief Fund) If the Personal Property Tax Exemption Sales Tax is imposed in a county and  
25 a sales tax rate of two percent of gross proceeds of sales is insufficient to offset the property tax not collected, sufficient amounts  
26 must be credited to the Trust Fund for Tax Relief established pursuant to Section 11-11-150 of the 1976 Code to provide the  
27 reimbursement to offset such a shortfall in the manner provided in Section 4-10-540(A) of the 1976 Code.

28       **117.39.** (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and the  
29 House Ways and Means Committee by December first each year describing how the funds which they received from the State in the  
30 prior fiscal year were expended.

31       **117.40.** (GP: Department of Administration, OEPP, Veterans Affairs) Of the funds appropriated for the Department of  
32 Administration, Office of Executive Policy and Programs, Division of Veterans Affairs, the Director of the Division shall appoint an  
33 additional claims representative within the Division of Veterans Affairs, who, in addition to being charged with the duty of assisting  
34 all ex-servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to  
35 final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the  
36 terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The

1 person appointed as a claims representative under this section must be versed in federal legislation relating to these matters and the  
2 rules, regulations, and practice of the Veterans Administration as created by Congress and his appointment must be approved by the  
3 Governor.

4 Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative appointed  
5 pursuant to this section may represent the Division of Veterans Affairs on the South Carolina Agent Orange Advisory Council and  
6 on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the Division  
7 of Veterans Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent  
8 the director in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the director.

9 **117.41.** (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the environment  
10 of this State, and to recover resources which have the potential for usefulness in the most environmentally safe, economically feasible  
11 and cost effective manner, state agencies shall purchase recycled steel unless the item cannot be acquired competitively at a  
12 reasonable price.

13 **117.42.** (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB,  
14 Section 117 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund  
15 appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

16 **117.43.** (GP: Sole Source Procurements) The State Fiscal Accountability Authority shall evaluate and determine whether the  
17 written determinations, explanations, and basis for sole source procurements, pursuant to South Carolina Code Section 11-35-1560,  
18 and emergency procurements, pursuant to South Carolina Code Section 11-35-1570, are legitimate and valid reasons for awarding  
19 noncompetitive contracts.

20 **117.44.** (GP: DMV Data) The Department of Motor Vehicles shall provide access, in compliance with all state and federal  
21 privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:

- 22 (1) all collision data and collision reports;
- 23 (2) registration information used for toll enforcement; and
- 24 (3) driver records of employees or prospective employees.

25 **117.45.** (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state  
26 employees during the current fiscal year. This provision does not apply to any college or university.

27 **117.46.** (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and  
28 Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School are authorized to charge, collect, expend and carry  
29 forward fees charged for facility and equipment rental and registration.

30 **117.47.** (GP: Insurance Claims) Any insurance reimbursement to an agency may be used to offset expenses related to the claim.  
31 These funds may be retained, expended, and carried forward.

32 **117.48.** (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Human  
33 Resources Division (1) a current personnel organizational chart annually no later than September first of the current fiscal year, or  
34 upon the request of the division and (2) notification of any change to the agency's organizational structure which impacts an  
35 employee's grievance rights within thirty days of such change. The organizational chart shall be in a form prescribed by the Human  
36 Resources Division showing all authorized positions, class title, class code, position number and indications as to whether such

1 positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt from the  
2 State Employee Grievance Procedure Act.

3 **117.49.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Department  
4 of Administration is directed to work with affected State agencies in order to phase-in operations of restructured organizations during  
5 the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December  
6 thirty-first, of the current fiscal year, unless otherwise directed by law. The department is further directed to work with the affected  
7 agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current  
8 fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been  
9 accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate  
10 agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue  
11 processing documents within the account structure existing on June thirtieth, of the prior fiscal year. Restructured agencies shall  
12 make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no  
13 later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Executive Budget Office is directed  
14 to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that  
15 are ratified.

16 **117.50.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue  
17 to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support  
18 functions with other agencies in order to maximize efficiency and effectiveness.

19 **117.51.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer,  
20 county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and  
21 assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B) and (D),  
22 14-1-207(B) and (D), 14-1-208(B) and (D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State ~~Office of~~  
23 ~~Victim Assistance~~ Department of Crime Victim Compensation. The State ~~Office of Victim Assistance~~ Department of Crime Victim  
24 Compensation is authorized to conduct an audit which shall include both a programmatic review and financial audit of any entity or  
25 nonprofit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific  
26 nature received by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation to ensure that crime victim  
27 funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim  
28 Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure  
29 which meets the parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or nonprofit organization  
30 that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these  
31 funds to the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation within thirty days of the budget's approval  
32 by the governing body of the entity or nonprofit organization. Failure to comply with this provision shall cause the State ~~Office of~~  
33 ~~Victim Assistance~~ Department of Crime Victim Compensation to initiate a programmatic review and a financial audit of the entity's  
34 or nonprofit organization's expenditures of victim assistance funds. Additionally, the ~~Office of Victim Assistance~~ Department of  
35 Crime Victim Compensation will place the name of the noncompliant entity or nonprofit organization on their website where it shall  
36 remain until such time as they are in compliance with the terms of this proviso. Any entity or nonprofit organization receiving victim

1 assistance funding must cooperate and provide expenditure/program data requested by the State ~~Office of Victim Assistance~~  
2 Department of Crime Victim Compensation. If the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation  
3 finds an error, the entity or nonprofit organization has ninety days to rectify the error. An error constitutes an entity or nonprofit  
4 organization spending victim assistance funding on unauthorized items as determined by the State ~~Office of Victim Assistance~~  
5 Department of Crime Victim Compensation. If the entity or nonprofit organization fails to cooperate with the programmatic review  
6 and financial audit or to rectify the error within ninety days, the State ~~Office of Victim Assistance~~ Department of Crime Victim  
7 Compensation shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or  
8 nonprofit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification  
9 by the State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation to the entity or nonprofit organization that  
10 they are in noncompliance with the provisions of this proviso. All penalties received by the State ~~Office of Victim Assistance~~  
11 Department of Crime Victim Compensation shall be credited to the General Fund of the State. If the penalty is not received by the  
12 State ~~Office of Victim Assistance~~ Department of Crime Victim Compensation within thirty days of the notification, the political  
13 subdivision will deduct the amount of the penalty from the entity or nonprofit organization's subsequent fiscal year appropriation.

14 **117.52.** (GP: H.L. Hunley Museum Location) The General Assembly approves the City of North Charleston as the permanent  
15 site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts between the  
16 State of South Carolina and the City of North Charleston. The Hunley Commission is directed to expend funds from its account to  
17 negotiate and execute contracts on behalf of the State of South Carolina.

18 **117.53.** (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the  
19 Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments indicate  
20 may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding secure juvenile  
21 confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and Delinquency  
22 Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that also serve as  
23 forty-eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is fair and  
24 equitable and how the local governments and the Department of Juvenile Justice would be impacted, to include any financial  
25 considerations.

26 **117.54.** (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile Justice  
27 are directed to transfer a total of \$1,199,456 in funds to the Department of Social Services for the support of the Interagency System  
28 for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of Mental  
29 Health - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile Justice - \$225,000. The  
30 transfer of funds shall be accomplished by September thirtieth of the current fiscal year.

31 **117.55.** (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of revenue  
32 to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective guidelines  
33 established by the Department of Administration. Payment of these bonuses is not a part of the employee's base salary and is not  
34 earnable compensation for purposes of employee and employer contributions to respective retirement systems. Employees earning  
35 \$100,000 or more shall not be eligible to receive bonuses under this provision. The employing agency must report this information  
36 on or before August thirty-first of each year and must include the total amount and source of the bonus received by the employee

1 during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the Department of  
2 Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies  
3 of the reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
4 Means Committee, upon request.

5 **117.56.** (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be carried  
6 forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the event of  
7 additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in any  
8 federally declared disaster. These funds may also be used during a Governor's state of emergency to augment existing state  
9 appropriations of the South Carolina Emergency Management Division (SCEMD). When these funds are used during a Governor's  
10 state of emergency, the allocation of those funds following the event will be determined by the Governor based on the  
11 recommendation of the Adjutant General and the Director of the South Carolina Emergency Management Division.

12 In the event there is a federally declared disaster and state match funds are unavailable, the State Fiscal Accountability Authority  
13 may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency  
14 Management Division. Any such borrowing must be reported to the General Assembly within five days. Funds borrowed from  
15 accounts shall be replenished by the General Assembly as soon as practicable.

16 **117.57.** (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption from  
17 sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of sales  
18 and use taxes may be claimed as a result of this provision.

19 **117.58.** (GP: Year-End Financial Statements - Penalties) Agencies, institutions, and other reporting entities required to submit  
20 annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must submit final audited  
21 financial statements to the Comptroller General not later than October first for those with fiscal year-end June thirtieth. The South  
22 Carolina Retirement Systems, Insurance Benefits, and Other Post-Employment Benefits Trust Funds administered by the South  
23 Carolina Public Employee Benefit Authority must submit their final audited financial statements no later than October fifteenth. For  
24 institutions and reporting entities with fiscal year-ends other than June thirtieth, final audited financial statements must be submitted  
25 to the Comptroller General within 120 days of that fiscal year-end. The Comptroller General shall provide a written report of each  
26 agency, institution, or other reporting entity not in compliance with this provision to the State Fiscal Accountability Authority by  
27 November thirtieth.

28 **117.59.** (GP: Purchase Card Incentive Rebates) In addition to the Purchase Card Rebate deposited in the general fund, any  
29 incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to support  
30 its operations.

31 **117.60.** (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and  
32 Pardon Services in Part IA, Section 66, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of Juvenile  
33 Justice in Part IA, Section 67, Program III.A. Special Item: Sex Offender Monitoring are to be used and expended only for GPS  
34 monitoring programs of the departments. In cases of limited funds, monitoring of "Jessie's Law" offenders shall take precedence  
35 over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other purpose or  
36 transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward and used

1 for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each year  
2 accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for equipment,  
3 supervision, and monitoring; the total number of staff assigned to the activity and the average agent caseloads; the amount of funds  
4 collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal needs for the  
5 upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders sentenced to  
6 electronic monitoring, including the number sentenced for life; the number of alert notifications received, investigated, and  
7 prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

8 **117.61.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use  
9 taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this  
10 provision.

11 **117.62.** (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the Commission  
12 on Indigent Defense and the Prosecution Coordination Commission shall be subject to all provisions related to agency heads covered  
13 by the Agency Head Salary Commission.

14 **117.63.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Prosecution  
15 Coordination Commission, and the Commission on Indigent Defense, in consultation with the South Carolina Student Loan  
16 Corporation and the Commission on Higher Education, shall develop and implement a Prosecutors and Defenders Public Service  
17 Incentive Program for attorneys employed by the Office of Attorney General, the Prosecution Coordination Commission, the  
18 Commission on Indigent Defense, a Circuit Solicitor's Office or a county Public Defender's Office.

19 After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be  
20 reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law  
21 school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements  
22 shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed  
23 the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue  
24 until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney.  
25 Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

26 The Prosecutors and Defenders Public Service Incentive Program must be administered by the South Carolina Student Loan  
27 Corporation, which shall pay for the cost of administration within the funds appropriated.

28 The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense shall each  
29 compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and retaining  
30 attorneys. The Student Loan Corporation shall compile a report that includes, but is not limited to, the cost of administering the  
31 program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the Senate Finance  
32 Committee and the House Ways and Means Committee by September first each fiscal year.

33 Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same  
34 purpose.



1       **117.64.** (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they  
2 so decide, to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed to  
3 the South Carolina Bar Association.

4       **117.65.** (GP: ~~Healthcare~~ Critical Employee Recruitment and Retention) ~~The Department of Corrections, Department of~~  
5 ~~Disabilities and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services,~~  
6 ~~Department of Juvenile Justice, Department of Mental Health, Department of Vocational Rehabilitation, and Wil Lou Gray~~  
7 ~~Opportunity School~~ State agencies are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses  
8 to aid in recruiting and retaining ~~healthcare~~ workers in critical needs ~~healthcare~~ jobs based on objective guidelines established by the  
9 ~~Department of Administration~~ which provide services that directly impact the health, safety, and welfare of the public. The employee  
10 bonus amount shall be approved by the State Human Resources Director based on State Human Resources guidelines, and shall not  
11 exceed \$10,000 per year. Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for  
12 purposes of employee and employer contributions to respective retirement systems. These bonuses shall, however, be considered  
13 earnings for determining if an employee who has returned to work after retirement is subject to the earning limitation imposed in  
14 either Section 9-1-1790(A)(1) or Section 9-11-(4)(a)(i).

15       These agencies may also provide paid educational leave for any ~~employees~~ employee in an a FTE position deemed critical by the  
16 Department of Administration to attend class while enrolled in ~~healthcare~~ degree programs that are related to the agency's mission.  
17 All such leave is at the agency head's discretion.

18       These agencies may enter into an agreement with ~~Psychiatrists, Psychologists, and Nurses~~ individuals employed in ~~those~~ critical  
19 needs positions to repay them for their outstanding student loans associated with completion of a ~~healthcare~~ relevant degree. ~~The~~  
20 ~~employee must be employed in a critical needs area, which would be identified at the agency head's discretion. Critical needs areas~~  
21 ~~could include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties.~~ Agencies may pay  
22 these employees up to twenty percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period.  
23 Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying  
24 the ~~principle~~ principal balance of the employee's student loan prior to issuing payments.

25       ~~Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree~~  
26 ~~may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head.~~  
27 ~~This field placement at another state agency may be considered work time for participating employees.~~

28       ~~These agencies~~ Agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester;  
29 allow probationary employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement  
30 for employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition  
31 through tuition prepayment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

32       The Department of Administration shall approve of the designation of critical needs positions applicable to this provision using  
33 guidelines that include, but are not limited to: 1) the difficulty recruiting for the positions as reflected by data such as the vacancy  
34 rate maintained, the average time to fill, the lack of sufficient qualified applicants, and other objective factors; 2) the difficulty  
35 retaining employees in the positions as shown by turnover data; 3) justification by the state agency that the position is critical to the

1 core mission of the agency and directly impacts the health, safety and welfare of the public; and 4) assurances from the state agency  
2 that there are sufficient existing funds available to pay for items under this provision.

3 Healthcare employees in approved critical needs positions working on a practicum or required clinical experience towards  
4 completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at  
5 the discretion of the agency head. This field placement at another state agency may be considered work time for participating  
6 employees.

7 State agencies must report to the Department of Administration by August 31st of each year any expenditure under this provision.

8 The Department of Administration shall compile a report of the responses and submit them to the Chairman of the Senate Finance  
9 Committee and the Chairman of the House Ways and Means Committee by October 1st of each year.

10 **117.66.** (GP: Governor's Budget Certification) The annual Executive Budget proposed by the Governor must be certified by the  
11 Director of the Revenue and Fiscal Affairs Office or his designee in the same manner as the House Ways and Means and Senate  
12 Finance Committee versions of the budget bill are certified.

13 **117.67.** (GP: Sexually Violent Predator Program) After the Department of Mental Health obtains all necessary project approvals,  
14 the Department of Corrections may utilize inmate labor to perform any portion of the construction of an addition to the Edisto Unit  
15 at the Broad River Correctional Institution, which houses the Department of Mental Health's Sexually Violent Predator Treatment  
16 Program, such addition to be used for additional treatment space and staff offices. For purposes of this project, the Department of  
17 Corrections may exceed the \$350,000 limit on projects for which it may use inmate labor.

18 **117.68.** (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than ninety  
19 days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as  
20 otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee  
21 contributions, the state agencies, institutions and departments will be responsible for making both employer and employee  
22 contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the  
23 employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General  
24 Assembly transferring or deleting a program, this provision does not apply.

25 **117.69.** (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the  
26 Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement  
27 Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the  
28 State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the  
29 security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of  
30 Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor  
31 for this purpose. Law enforcement officers assigned to security detail for the Governor shall only perform services related to security  
32 and shall not provide any unrelated service during the assignment.

33 **117.70.** (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or  
34 institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable federal  
35 or state antidiscrimination laws.

1       **117.71.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or  
2 institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one  
3 reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The  
4 agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained  
5 by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate  
6 in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require  
7 employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if  
8 coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head  
9 remains solely responsible for making those contributions.

10       Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee  
11 Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to the General  
12 Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in  
13 pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The  
14 Department of Administration shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso.  
15 State agencies shall report information regarding furloughs to the Department of Administration.

16       For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the  
17 1976 Code.

18       The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory  
19 furlough based solely on the implementation of a reduction in force plan by a technical college.

20       An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result  
21 of federal budget cuts or reorganization to accomplish organizational efficiencies.

22       **117.72.** (GP: Printed Report Requirements) (A) For Fiscal Year ~~2017-18~~ 2018-19, state supported institutions of higher learning  
23 shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall  
24 instead only submit the documents electronically.

25       Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived  
26 for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional  
27 examinations, and data elements otherwise required for the Commission on Higher Education Management Information System.  
28 The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

29       (B) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Agriculture shall not be required to submit printed reports mandated by  
30 Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings  
31 for K5-12 agricultural education programs.

32       (C) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Health and Human Services shall not be required to provide printed  
33 copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and shall instead only submit the  
34 documents electronically.

35       (D) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Transportation shall not be required to submit printed reports or  
36 publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

1 The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability  
2 Report.

3 **117.73.** (GP: IMD Operations) The Department of Health and Human Services shall produce an annual report on  
4 Medicaid-funded out-of-home placements and associated expenditures which shall be provided to the Chairman of the Senate  
5 Finance Committee, Chairman of the House Ways and Means Committee, and the Governor no later than November first each year.

6 **117.74.** (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and  
7 release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected by  
8 that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso  
9 that authorized the fines and fees to be charged, collected, or received; (2) the amount of the fine or fee; (3) the amount received by  
10 source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the general fund, if  
11 applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another entity, if applicable,  
12 and the authority by which the transfer took place, as well as the name of the entity to which the funds were transferred. The report  
13 must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance  
14 Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized  
15 for use by each state agency shall be used to accomplish this directive.

16 **117.75.** (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the  
17 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office  
18 implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough program, in  
19 determining which employees must participate in the program, agency heads should give consideration to furloughs for contract  
20 employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the state  
21 employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries.  
22 As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments will be  
23 responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those  
24 benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the  
25 event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

26 **117.76.** (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the  
27 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office  
28 implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads should  
29 give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other employees. In the  
30 event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

31 **117.77.** (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever classified  
32 FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize  
33 personnel costs savings of at least twenty-five percent in the aggregate when managing these vacant positions. Prior to filling a  
34 classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for  
35 the position as well as determine whether the agency can manage without filling the position or by delay in filling the position. Prior

1 to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and  
2 consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.

3 **117.78.** (GP: Information Technology for Health Care) From the funds appropriated and awarded to the South Carolina  
4 Department of Health and Human Services for the Health Information Technology for Economic and Clinical Health Act of 2009,  
5 the department shall advance the use of health information technology and health information exchange to improve quality and  
6 efficiency of health care and to decrease the costs of health care. In order to facilitate the qualification of Medicare and/or Medicaid  
7 eligible providers and hospitals for incentive payments for meaningful health information technology (HIT) use, a health care  
8 organization participating in the South Carolina Health Information Exchange (SCHIE) or a Regional Health Information  
9 Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIE may release patient records  
10 and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health care  
11 provider within the scope of his or her license or practice act, to another health information organization that requests the information  
12 via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health information  
13 organization that receives or views this information from a patient's electronic health record or incorporates this information into the  
14 health information organization's electronic medical record for the patient in providing treatment is considered an authorized person  
15 for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

16 **117.79.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment  
17 Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the  
18 recapture provisions would result in a decrease in payments received by the State. The Educational Television Commission assumes  
19 management and administration of the lease and receives lease payments directly. The Educational Television Commission shall  
20 retain and expend funds received pursuant to the lease for agency operations. The commission shall be authorized to carry forward  
21 unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the current lease holder, the  
22 Educational Television Commission is authorized to use contingent funds up until such time as a new lease can be negotiated by the  
23 State and the Educational Television Commission.

24 **117.80.** (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may  
25 decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn  
26 testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the  
27 Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

28 **117.81.** (GP: Deficit Monitoring) It is the responsibility of each state agency, department, and institution to operate within the  
29 limits of its authorized appropriations. All agencies, departments, and institutions are to budget, allocate and manage its authorized  
30 appropriations in a way to avoid an operating deficit for the fiscal year.

31 If at the end of each quarterly deficit monitoring review by the Executive Budget Office, it is determined by either the Executive  
32 Budget Office or a state agency, department, or institution that the likelihood of a deficit for the current fiscal year exists, the state  
33 agency shall notify the General Assembly within fifteen days of this determination and shall further request the Executive Budget  
34 Office to work with it to develop a plan to avoid the deficit. Within fifteen days of the deficit avoidance plan being completed, the  
35 Executive Budget Office shall either request the General Assembly to recognize the deficit if it determines the deficit avoidance plan

1 will not be sufficient to avoid a deficit or notify the General Assembly of how the deficit will be avoided based on the deficit  
2 avoidance plan if the Executive Budget Office determines the plan will be sufficient to avoid a deficit.

3 Upon notification from the Executive Budget Office that an agency will run a deficit and requesting that it be recognized, the  
4 General Assembly, by joint resolution, may make a finding that the cause of, or likelihood of, a deficit is unavoidable due to factors  
5 which are outside the control of the state agency, department, or institution, and recognize the deficit. Any legislation to recognize  
6 a deficit must be in a separate joint resolution enacted for the sole purpose of recognizing the deficit of a particular state agency,  
7 department, or institution. A deficit may only be recognized by an affirmative vote of each branch of the General Assembly.

8 If the General Assembly recognizes the deficit, then the actual deficit at the close of the fiscal year must be reduced as necessary  
9 from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available  
10 in the General Reserve Fund and the Capital Reserve Fund, as required by the Constitution of this State.

11 Once a deficit has been recognized by the General Assembly, the state agency, department, or institution shall limit travel and  
12 conference attendance to that which is deemed essential by the director of the agency, department, or institution. In addition, the  
13 General Assembly, when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles must be  
14 approved by the Executive Budget Office.

15 **117.82.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state-owned vehicle  
16 to commute from their permanently assigned work location to and from the employee's home must reimburse the agency in which  
17 they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General  
18 which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These  
19 permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government  
20 license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement  
21 does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement  
22 officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, or for Department of  
23 Transportation employees on call for emergency maintenance.

24 **117.83.** (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning,  
25 which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller  
26 General's South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the  
27 account in the prior fiscal year. The report shall be submitted to the State Fiscal Accountability Authority by October first of each  
28 fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each  
29 account, the name and title of each person responsible for reconciling each account, the beginning and year-end balance of funds in  
30 each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the  
31 date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of  
32 the goods or services purchased for each expenditure transaction. To facilitate review, the State Fiscal Accountability Authority  
33 shall prescribe a common format for the report which agencies must use. In order to promote accountability and transparency, a link  
34 to the report shall be posted on the Comptroller General's website as well as the agency's homepage.

35 When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must be  
36 included as part of the review.

1 If an agency determines that the release of the information required in this provision would be detrimental to the state or the  
2 agency, the agency may petition the State Fiscal Accountability Authority to grant the agency an exemption from the reporting  
3 requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed.  
4 However, the exemption may only be granted upon a majority vote of the State Fiscal Accountability Authority in a public meeting.

5 **117.84.** (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its  
6 Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts  
7 on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports  
8 containing all or substantially all the same information contained in the monthly state procurement card statements. The link must  
9 be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency,  
10 department, or institution can be found. The information posted may not contain the state procurement card number. Any  
11 information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting  
12 required by this section.

13 **117.85.** (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine,  
14 or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or  
15 revenue source is being proposed.

16 **117.86.** (GP: Joint Children's Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate  
17 of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$300,000 shall be  
18 transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other  
19 operating expenses as directed in Section 63-1-50 of the 1976 Code. Funds transferred to the University of South Carolina for the  
20 Joint Citizens and Legislative Committee on Children shall be maintained in a separate and distinct account. A detailed report of all  
21 expenditures shall be made to the Executive Budget Office within thirty days of the close each fiscal quarter, and the Executive  
22 Budget Office shall distribute this information to the Chairman of the Senate Finance Committee and the Chairman of the House  
23 Ways and Means Committee. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile  
24 Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be  
25 retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The  
26 rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 93.7.

27 **117.87.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a  
28 state or local government employee or former state or local government employee ("government employee") is personally sued for  
29 civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to  
30 trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within  
31 the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee's  
32 official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government  
33 employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect  
34 to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee  
35 was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and  
36 paying, respectively, any claims that the provider has contractually agreed to defend and pay.

1       **117.88.** (GP: Recovery Audits) The State Fiscal Accountability Authority shall contract with one or more firms to conduct  
2 recovery audits of payments made by all state agencies to vendors for goods and services. The audits must be designed to detect,  
3 document, and recover overpayments and erroneous payments to the vendors and to recommend improved financial and operational  
4 practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm responsible for obtaining  
5 for the agency a reimbursement or payment from a vendor a negotiated fee not to exceed twenty percent of the funds recovered by  
6 that firm.

7       Unless otherwise restricted by law, funds recovered, less the cost of recovery, shall be remitted to a special fund subject to  
8 appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation  
9 of this provision.

10       Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and shall  
11 cover at least three complete fiscal years.

12       All information provided under a contract must be treated as confidential by the recovery audit firm. A violation of this provision  
13 shall result in the forfeiture by the firm of all compensation under the contract and to the same sanctions and penalties that would  
14 apply to that disclosure.

15       Each state agency shall participate in this recovery audit program and shall cooperate and provide the recovery audit firm with all  
16 information necessary for the audit in a timely manner. All vendors that provide goods or services to a state agency shall cooperate  
17 with the recovery audit firm in its audit.

18       A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit  
19 conducted under this provision. Payments to the recovery audit firm from the federal share of recovered funds shall be solely from  
20 the federal portion as allowed by the federal agency.

21       In addition to performing the recovery audits, the recovery audit firm may conduct an analysis of contracts and pricing structures,  
22 as determined and directed by the Executive Director of the State Fiscal Accountability Authority or her or his designee, to identify  
23 and recommend future cost-savings and improved state agency financial operations going forward. A state agency shall pay the  
24 recovery audit firm responsible for obtaining the agency actual cost-savings a fee as authorized by the contract with the recovery  
25 audit firm.

26       The recovery audit firm shall provide reports to the State Fiscal Accountability Authority detailing its findings, the causes for the  
27 overpayments and erroneous payments, future cost-savings opportunities and its recommendations for strengthening state operations  
28 and/or state contracts to prevent improper payments in the future.

29       For purposes of this proviso, the term “vendor” or “vendors” includes, but is not limited to, sellers, suppliers, service providers,  
30 other providers, contractors and third party administrators; the term “overpayments and erroneous payments” includes, but is not  
31 limited to, overpayments, duplicate payments, erroneous payments, and rebates, discounts and credits not received; and the term  
32 “state agency” or “state agencies” includes all state agencies, boards, commissions, institutions and institutions of higher education.

33       The State Fiscal Accountability Authority shall provide copies, including electronic form copies, of final reports received from a  
34 firm under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means  
35 Committee; and the state auditor’s office. Not later than January first of each year, the board shall issue a report to the General  
36 Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.



1       **117.89.** (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Department of Administration  
2 Section 93 for Legislative and Public Affairs Coverage and Emergency Communications Backbone and to the Law Enforcement  
3 Training Council in Section 64 for State and Local Training of Law Enforcement, City and County municipal training services must  
4 be transferred to the Educational Television Commission (ETV) during July ~~2017~~ of the current fiscal year for the continuation of  
5 services as provided in the prior fiscal year.

6       **117.90.** (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means  
7 testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an  
8 agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate  
9 Finance Committee and to the Chairman of the House Ways and Means Committee no later than January first.

10       **117.91.** (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are  
11 assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs,  
12 reductions in employee compensation, and instituting a hiring freeze; (2) eliminate administrative overhead cost that does not directly  
13 impact the agency's mission; and as a final option (3) reductions to programmatic funding.

14       **117.92.** (GP: WIA Service Advertising) For Fiscal Year ~~2017-18~~ 2018-19, the Workforce Investment Boards may promote  
15 outreach for their services via billboard, bus placard, newspapers, or radio in all workforce investment areas. This outreach may not  
16 be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce investment boards must  
17 adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce  
18 Investment Act.

19       **117.93.** (GP: WIA Training Marketability Evaluation) (A) For Fiscal Year ~~2017-18~~ 2018-19, the Department of Employment  
20 and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work  
21 skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training  
22 area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion  
23 of training, have become employed in the field in which they were trained. The report shall be submitted to the Chairman of the  
24 Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of the House Ways  
25 and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before November sixteenth.

26       (B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing  
27 levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program  
28 area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated  
29 for positions for which the department hired new employees.

30       **117.94.** (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the ~~Department~~  
31 ~~of Public Safety~~ Office of Attorney General for distribution through the State Victims Assistance Program.

32       **117.95.** (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the  
33 Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to  
34 consolidate the functions of the departments.

35       **117.96.** (GP: USC Greenville Medical School) It is the intent of the General Assembly that during the current fiscal year, no  
36 general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no

1 state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school  
2 except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at  
3 the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South  
4 Carolina in Greenville.

5 **117.97.** (GP: BabyNet Quarterly Reports) ~~First Steps to School Readiness, the~~ *The* School for the Deaf and Blind, the  
6 Department of Disabilities and Special Needs, the Department of Health and Human Services, the Department of Mental Health and  
7 the Department of Social Services shall each provide on a common template ~~developed by the agencies~~, a quarterly report to the  
8 Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining all programs provided by them  
9 for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on BabyNet. Each entity and agency  
10 shall report on its share of the state's ongoing maintenance of effort as defined by the US Department of Education under IDEA Part  
11 C.

12 **117.98.** (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit,  
13 state agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a schedule  
14 of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August fifteenth of each year.

15 **117.99.** (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not  
16 limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government  
17 Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

18 **117.100.** (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from  
19 assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a  
20 governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact  
21 fee.

22 **117.101.** (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may use the state aircraft  
23 operated by the Division of Aeronautics for the purpose of athletic recruiting, provided that they reimburse the Division of  
24 Aeronautics for all flight hours on an at cost basis, using non-general funds.

25 To ensure availability of the aircraft for purposes of economic development, the Department of Commerce shall have first right of  
26 refusal in the event of scheduling conflicts with athletic recruiting flights.

27 **117.102.** (GP: Recreational Activities) Two counties that receive an allocation from the Local Government Fund may enter into  
28 a Memorandum of Understanding in order to provide recreational activities and projects that benefit the citizens of both counties.

29 **117.103.** (GP: Technology and Remediation) The funds appropriated to the Department of Administration for the Division of  
30 Information Security shall be used to develop and implement a statewide information security program. A portion of the nonrecurring  
31 funds may be used for enterprise technology and remediation, and distributed to state agencies to address the State's most serious  
32 information security vulnerabilities as determined by the Division of Information Security and the Division of Technology  
33 Operations. Funds appropriated for Enterprise Technology and Remediation shall be excluded from the Department of  
34 Administration's base budget calculation of any across-the-board agency base reduction mandated by the Executive Budget Office  
35 or the General Assembly. Unexpended Enterprise Technology and Remediation funds may be carried forward from the prior fiscal  
36 year and used for the same purpose.

1       **117.104.** (GP: Donation of Alcoholic Liquors) ~~In the current fiscal year, a wholesaler may donate beer, wine, and alcoholic liquors~~  
2 ~~to a nonprofit organization that has a license, including a temporary license, to serve the applicable beverage. This provision only~~  
3 ~~applies if the event hosted by the nonprofit organization creates an economic impact on State revenues.~~

4       **117.105.** (GP: Data Breach Notification) (A) An agency of this State owning or licensing computerized data or other data that  
5 includes personal identifying information shall disclose any breach of the security of the system following discovery or notification  
6 of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably  
7 believed to have been, acquired by an unauthorized person. In determining whether information has been acquired, or is reasonably  
8 believed to have been acquired, by an unauthorized person or a person without valid authorization, the agency may consider the  
9 following factors, among others:

10           (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or  
11 stolen computer or other device containing information;

12           (2) indications that the information has been viewed, downloaded, or copied; or

13           (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances  
14 of reported identity theft.

15       (B) An agency maintaining computerized data or other data that includes personal identifying information that the agency does  
16 not own shall notify the owner or licensee of the information of a breach of the security of the data immediately following discovery,  
17 if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.

18       (C) The disclosure requirements of subsections (A) and (B) must be made in the most expedient time possible and without  
19 unreasonable delay; however, the notification required by this section may be delayed if a law enforcement agency determines that  
20 the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer  
21 compromises the investigation. A delay in notification shall not exceed seventy-two hours after discovery, unless the agency requests  
22 and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that such  
23 notification impedes a criminal investigation.

24       (D) For purposes of this section:

25           (1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the State  
26 or a political subdivision of it.

27           (2) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that was  
28 not rendered unusable through encryption, redaction, or other methods that compromise the security, confidentiality, or integrity of  
29 personal identifying information maintained by the agency, when illegal use of the information has occurred or is reasonably likely  
30 to occur or use of the information creates a material risk of harm to the consumer. Good faith acquisition of personal identifying  
31 information by an employee or agent of the agency for the purposes of the agency is not a breach of the security of the system if the  
32 personal identifying information is not used or subject to further unauthorized disclosure.

33           (3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis,  
34 regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information  
35 on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate

1 commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by  
2 the Department of Consumer Affairs and furnished upon request to the agency required to make a notification under this section.

3 (4) "Personal identifying information" means the first name or first initial and last name in combination with and linked  
4 to any one or more of the following data elements that relate to a resident of this State, when the data elements are neither encrypted  
5 nor redacted or when the data elements are encrypted with an encryption key and the encryption key that has also been acquired:

6 (a) social security number;

7 (b) driver's license number or state identification card number issued instead of a driver's license;

8 (c) financial account number, or credit card or debit card number in combination with any required security code,  
9 access code, or password that would permit access to a resident's financial account; or

10 (d) other numbers or information which may be used to access a person's financial accounts or numbers or  
11 information issued by a governmental or regulatory entity that uniquely will identify an individual.

12 The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or local  
13 government records lawfully made available to the general public.

14 (E) The notice required by this section may be provided by:

15 (1) written notice;

16 (2) electronic notice, if the agency's primary method of communication with the individual is by electronic means, the  
17 person to whom notice is required has expressly consented to receiving said notice in electronic form, or is consistent with the  
18 provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 USC and Chapter 6, Title 26 of the 1976  
19 Code;

20 (3) telephonic notice; or

21 (4) substitute notice, if the agency demonstrates that the cost of providing notice exceeds two hundred fifty thousand  
22 dollars or that the affected class of subject persons to be notified exceeds five hundred thousand or the agency has insufficient contact  
23 information. Substitute notice consists of:

24 (a) e-mail notice when the agency has an e-mail address for the subject persons;

25 (b) conspicuous posting of the notice on the agency's website page, if the agency maintains one; or

26 (c) notification to major statewide media.

27 Regardless of the method by which notice is provided, such notice shall include contact information for the agency making the  
28 notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person  
29 without valid authorization, including specification of which of the elements of personal information and private information were,  
30 or are reasonably believed to have been, so acquired.

31 (F) A resident of this State who is injured by a violation of this section, in addition to and cumulative of all other rights and  
32 remedies available at law, may:

33 (1) institute a civil action to recover damages;

34 (2) seek an injunction to enforce compliance; and

35 (3) recover attorney's fees and court costs, if successful.

1 (G) An agency that knowingly and willfully violates this section is subject to an administrative fine up to one thousand dollars  
2 for each resident whose information was accessible by reason of the breach, the amount to be decided by the Department of Consumer  
3 Affairs.

4 (H) If the agency provides notice to more than one thousand persons at one time pursuant to this section, the agency shall notify,  
5 without unreasonable delay, the Consumer Protection Division of the Department of Consumer Affairs and all consumer reporting  
6 agencies that compile and maintain files on a nationwide basis, as defined in 15 USC Section 1681a(p), of the timing, distribution,  
7 and content of the notice.

8 **117.106.** (GP: State Ports Authority Property) If the State Ports Authority has not completed the sale of its real property on Daniel  
9 Island ~~and Thomas (St. Thomas) Island~~, except for the dredge disposal cells that are needed in connection with the construction of  
10 the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance,  
11 by June 30, ~~2018~~ 2019, the authority must transfer the property to the Department of Administration. The authority shall sell the  
12 real property under terms and conditions it considers most advantageous to the authority and the State of South Carolina.

13 **117.107** (GP: Remittance of Court Fee and Fine Money) County and city treasurers are required to remit to the State Treasurer  
14 set percentages of revenues generated by assessments imposed by 14-1-206(A), 14-1-207(A), 14-1-208(A). This remittance is  
15 required on a monthly basis by the 15th day of each month.

16 Should a county and/or city treasurer fail to make the required remittance, the SC Criminal Justice Academy shall cease providing  
17 services to all law enforcement officers of all law enforcement agencies encompassed within the political subdivision if they have  
18 failed to make remittance for two consecutive months in a fiscal year. The finance director shall certify by July first, under oath, that  
19 the county and/or city has remitted all funds or the SC Criminal Justice Academy shall withhold services until such time as remittance  
20 is made.

21 **117.108.** (GP: Detailed Expenditure/Revenue Reports PCC/CID) The Prosecution Coordination Commission and the Commission  
22 on Indigent Defense shall provide detailed expenditure reports and associated revenue streams for each individual circuit, revenue  
23 streams shall include, but not be limited to, state funds, local funds, Federal funds, and also nongovernmental sources of funds, by  
24 no later than September first, on the prior fiscal year, to the appropriate commission. The commissions shall then provide the  
25 Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee with a combined report by  
26 September fifteenth of the current fiscal year.

27 **117.109.** (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of  
28 Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and  
29 Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and  
30 maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for  
31 additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the  
32 Department of Parks, Recreation and Tourism the amount of \$3,563,560 less any state funds appropriated by the General Assembly  
33 for the same purpose. The Department of Parks, Recreation and Tourism assumes responsibility for this amount and the timing of  
34 the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and  
35 Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the  
36 current fiscal year and be expended for the same purposes.

1       **117.110.** (GP: Continuation of Teen Pregnancy Prevention Project Accountability) Qualifying organizations applying for General  
2 Funds provided as a special item in this act and titled Continuation of Teen Pregnancy Prevention must include in its application a  
3 proposed annual budget and agreement to provide quarterly reports to the grantor state agency detailing the expenditure of funds and  
4 the project's accomplishments which shall include:

5       (1) Financial:

6           (a) Personnel costs, including employer contributions, by position for each of the following areas: administration,  
7 training, and education, as well as for other positions as identified;

8           (b) Operational costs identified in the application;

9           (c) One-time costs over \$500 for such items as supplies;

10       Administration costs may not exceed ten percent of the total project budget. For purposes of this provision, "Administration"  
11 is defined as expenses other than educational.

12       (2) Description of program and curriculum to be used;

13       (3) Description of training;

14       (4) Schedule and brief description of project activities for each quarter;

15       (5) Participation reports on the following:

16           (a) Number of persons who participated;

17           (b) Total number of hours provided;

18           (c) Number of train the trainer events;

19           (d) Other data regarding the activities of the project;

20       (6) Description of the project evaluation to be used;

21       (7) Copy of latest completed independent financial audit and agency's response to any audit exceptions;

22       (8) Qualifications of project personnel;

23       (9) Best Practices to be used; and

24       (10) Evidence Based Curriculum.

25       An organization awarded a grant must provide these quarterly reports to the grantor state agency within fifteen days of the end of  
26 each quarter. Grantees failing to submit reports with thirty days of the end of each quarter shall have their grant terminated.

27       Unexpended funds for Continuation of Teen Pregnancy Prevention projects under the Department of Social Services or under the  
28 Department of Health and Environmental Control shall be carried forward for the purpose of fulfilling the department's contractual  
29 agreement.

30       **117.111.** (GP: Charleston & Dorchester County Sound Barriers) From the funds authorized to the Department of Transportation,  
31 the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct sound barriers in  
32 the department's easements along Interstate 26 within the borders of Charleston County and along Dorchester Road within Dorchester  
33 County, provided, no funds appropriated or authorized in Part IA to the Department of Transportation, any other section of this act,  
34 any Federal Funds, unless otherwise agreed to by the local Metropolitan Planning Organization or Council or Governments for use  
35 of a portion of their annual federal allocation, or any Other Funds, shall be used in the construction of the sound barriers, and only  
36 local dollars shall be used in the construction of sound barriers. The sound barriers must meet the state and federal noise abatement

1 guidelines and must be constructed to meet any and all state and federal regulations. Consistent with the requirements of Section  
2 57-25-190 (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a local government in a state  
3 right of way, the owner of a legally erected and maintained billboard shall have the option to relocate such billboard sign to another  
4 location as close as practicable to the sign being relocated or adjust the height or angle of the billboard sign to a height or angle that  
5 restores the visibility of the billboard sign to the same or comparable visibility as before construction of a sound barrier. Costs for  
6 re-location or alteration of a billboard due to sound barrier installation by a local government in a state right of way shall be paid by  
7 the local government. The provisions of Section 39-14-10 et seq. of the 1976 Code will apply regarding any compensation to be  
8 paid by local governments for billboard signs which cannot be relocated or altered.

9 **117.112.** (GP: Information Technology and Information Security Plans) (A) By August first of the current fiscal year, all state  
10 agencies must submit an information technology plan and an information security plan to the Department of Administration. State  
11 agencies must submit updates to their plans if there are changes following initial submission. Changes that would necessitate an  
12 updated plan include, but are not limited to, changes in response to technological advancements, changes in legislation, regulation  
13 or compliance requirements, newly identified funding sources, or new issues relating to information technology management or  
14 business requirements.

15 The information technology plans required by this section shall be in the form and level of detail required by the department  
16 and shall include at least: (1) the information technology objectives of the state agency; (2) an inventory of the state agency's  
17 information technology; (3) any performance measures used by the state agency for implementing its information technology  
18 objectives; (4) how the state agency's development of information technology coordinates with other governmental entities; (5) the  
19 state agency's budget plans for information technology for the coming fiscal year which must include: (a) all fixed, recurring  
20 information technology costs, regardless of funding sources; (b) new information technology expenditures for services, hardware  
21 upgrades/replacements and software purchases, regardless of funding sources; (c) new information technology projects, regardless  
22 of funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all  
23 information technology personnel, regardless of funding sources; and (6) the state agency's need for appropriations for information  
24 technology.

25 The information security plans required by this section shall be in the form and level of detail required by the division and shall  
26 include at least: (1) the information security objectives of the state agency; (2) an inventory of the state agency's information security  
27 technology; (3) a profile of the state agency's compliance with security policies established by the division; (4) a profile of the state  
28 agency's sensitive data and a description of applicable state and federal privacy requirements; (5) a profile of risk management and  
29 other measures taken by the state agency to protect its data from unauthorized access and disclosure; (6) the state agency's budget  
30 plans for information security for the coming fiscal year which must include: (a) all fixed, recurring information security technology  
31 costs, regardless of funding sources; (b) new information security expenditures for services hardware upgrades/replacements and  
32 software purchases, regardless of funding sources; (c) new information security projects, regardless of funding sources; and (d) FTE  
33 counts, temporary personnel counts, and salary information and position descriptions for all information security personnel,  
34 regardless of funding sources; and (7) the state agency's need for appropriations for information security.

35 (B) The director of the Department of Administration should seek advice from private and public sector resources on the efficient  
36 use of information technology and best practices.

1 (C) The Judicial Department, Legislative Department, public institutions of higher learning, technical colleges, political  
2 subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this proviso.

3 **117.113.** (GP: SCOIS Transfer) For the current fiscal year, the South Carolina Occupational Information System, its authority  
4 and responsibilities, to include the collections of user fees that must be used to operate the program, shall continue to be transferred  
5 from the Department of Employment and Workforce to the Department of Education.

6 **117.114.** (GP: Employee Compensation) The amounts appropriated to F300-Statewide Employee Benefits for Employee Pay  
7 Increases must be allocated by the Department of Administration, Executive Budget Office to the various state agencies to provide  
8 for employee pay increases in accordance with the following plan:

9 (1) With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after  
10 July first of the current fiscal year, the compensation of all classified employees shall be increased by zero percent.

11 (2) With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system  
12 employees not elsewhere covered in this act, effective on the first pay date that occurs on or after July first of the current fiscal year  
13 the compensation of all unclassified employees shall be increased by zero percent. Any employee subject to the provisions of this  
14 paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

15 (3) Effective on the first pay date that occurs on or after July first of the current fiscal year, agency heads not covered by the  
16 Agency Head Salary Commission, shall receive an annualized base pay increase of zero percent.

17 (4) With respect to local health care providers compensation increases shall be zero percent effective on the first pay date that  
18 occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant Governor's  
19 Office on Aging, compensation shall be increased by zero percent effective on the first pay date that occurs on or after July first of  
20 the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant Governor's  
21 Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe funding  
22 to school districts shall be increased by zero percent.

23 (5) Effective on the first pay date that occurs on or after July first of the current fiscal year, the Chief Justice and other judicial  
24 officers shall receive an annualized base pay increase of zero percent.

25 (6) Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county  
26 treasurers shall receive an annualized base pay increase of zero percent.

27 (7) For Fiscal Year 2016-17, the Executive Budget Office is directed to review Executive Branch agencies to determine  
28 whether their budgets warrant an other fund authorization increase due to the zero percent compensation increase for all full-time  
29 employees. If so warranted, the Executive Budget Office shall work with the Office of the Comptroller General to increase such  
30 authorization for the affected agencies.

31 The Department of Administration shall allocate associated compensation increases for retirement employer contributions based  
32 on the retirement rate of the retirement system in which individual employees participate.

33 The Executive Director of the State Fiscal Accountability Authority is authorized to use excess appropriations for the current fiscal  
34 year designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the  
35 State Fiscal Accountability Authority, such action may be considered a permanent transfer into the receiving agency's base budget.



1 Funds appropriated in Part IA, F300, Section 106, Statewide Employee Benefits may be carried forward from the prior fiscal year  
2 into the current fiscal year.

3 **117.115.** (GP: Child Fatality Review) The agencies specified shall implement the following recommendations contained in the  
4 Legislative Audit Council's October 2014 report "A Review of Child Welfare Services at the Department of Social Services":

5 (1) Annually, the Department of Social Services and the State Child Fatality Advisory Committee shall jointly report statistics  
6 on child deaths from maltreatment and the number of those with prior Department of Social Services involvement;

7 (2) The Department of Social Services and the State Child Fatality Advisory Committee shall use their child fatality review  
8 findings to make recommendations to revise Department of Social Services policy or practice where appropriate;

9 (3) The Department of Social Services shall ensure that it includes child fatality statistics from all relevant sources when  
10 reporting to the National Child Abuse and Neglect Data System. These sources shall include, but not be limited to, law enforcement  
11 agencies and the Department of Health and Environmental Control;

12 (4) The State Law Enforcement Division and the Department of Health and Environmental Control shall establish a system  
13 for cross checking child fatalities in the state to ensure that all fatalities are being properly reported to the State Law Enforcement  
14 Division;

15 (5) The State Law Enforcement Division and the State Child Fatality Advisory Committee shall review the training provided  
16 to coroners on the reporting of child fatalities to ensure that information is provided on which fatalities are to be reported and what  
17 procedure is to be followed for reporting the fatalities;

18 (6) The Department of Public Safety shall report statistics on all child fatalities to the State Child Fatality Advisory Committee;  
19 and

20 (7) The State Child Fatality Advisory Committee shall evaluate the feasibility of adopting the Child Death Review Case  
21 Reporting System developed by the National Center for the Review and Prevention of Child Deaths and shall submit a report on their  
22 findings to the General Assembly by December 1, 2016.

23 Pursuant to Section 63-11-1930 (E) of the 1976 Code, the director of each agency specified in this provision shall ensure that  
24 sufficient staff and administrative support is provided to the State Child Fatality Advisory Committee to accomplish the requirements  
25 of this provision.

26 **117.116.** (GP: Refugee Resettlement Program) No state funds shall be expended to assist in the United States Refugee  
27 Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

28 **117.117.** (GP: First Steps Reauthorization) Act 99 of 1999, the South Carolina First Steps to School Readiness Act, as amended  
29 by Act 287 of 2014 is reauthorized for the duration of Fiscal Year ~~2017-18~~ 2018-19.

30 **117.118.** (GP: Family Planning Funds) (A) Notwithstanding any other law, federal family planning funds and state family  
31 planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the  
32 following order of descending priority:

33 (1) public entities that provide family planning services, including state, county, and local community health clinics and  
34 federally qualified health centers;

35 (2) nonpublic entities that provide comprehensive primary and preventive health services, as described in 42 U.S.C.  
36 254b(b)(1)(A), in addition to family planning services; and

1 (3) nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive  
2 health services.

3 (B) Family planning funds must be distributed in compliance with federal law to ensure distribution in a manner that does not  
4 severely limit or eliminate access to family planning services in any region of the State.

5 (C) Any department, agency, board, commission, office, or other instrumentality of the State that distributes family planning  
6 funds shall submit an annual report to the General Assembly listing any family planning contractors that fall under item (A)(3), and  
7 the amount of federal or state family planning funds they received. The report shall provide a detailed explanation of how it was  
8 determined that there were an insufficient number of eligible individuals, organizations, or entities in items (A)(1) and (A)(2) to  
9 prevent a significant reduction in family planning services in each region of the State where (A)(3) contractors are located.

10 **117.119.** (GP: Statewide Strategic Information Technology Plan Implementation) To ensure the uniform implementation of the  
11 Statewide Strategic Information Technology Plan developed pursuant to the Restructuring Act of 2014 and designed to improve the  
12 State's ability to provide reliable, secure, cost-efficient, and innovative information technology services and infrastructure, state  
13 agencies are directed as follows:

14 (1) Agencies shall use the shared services from the Department of Administration, Division of Technology Operations as those  
15 services become available and in a sequence to be determined by the division. Agencies shall coordinate with the division to  
16 accomplish a strategic transition to the shared services environment. Shared services include, but are not limited to, mainframe  
17 services, application hosting, servers, storage, network services, desktop services, and disaster recovery services. The State Chief  
18 Information Officer may grant an exception, to be revisited on a periodic basis, if the division determines that it cannot immediately  
19 satisfy the technical or security capabilities required to support the agency in question;

20 (2) With regard to information technology governance, standards, and enterprise architecture, agencies shall comply with the  
21 rules, standards, plans, policies, and directives of the Division of Technology Operations;

22 (3) With regard to information technology governance, standards, and enterprise architecture, agencies shall participate and  
23 comply with decisions determined by the information technology governance advisory groups.

24 (4) With regard to the annual Appropriations Act budget submission, agencies shall submit all information technology budget  
25 requests to the Executive Budget Office and the Division of Technology Operations. The Executive Budget Office and the Division  
26 of Technology Operations shall jointly review the budget requests and recommend for funding consideration only those proposals  
27 that fit into the overall Statewide Strategic Information Technology Plan.

28 (5) With the consultation and approval of the Division of Technology Operations, agencies must create an information  
29 technology plan for purchases that exceed \$50,000 to ensure compliance with the Statewide Strategic Information Technology Plan  
30 and the standards defined by the division.

31 (6) Agencies shall develop a three-year strategic plan for information technology, updated annually, for the Division of  
32 Technology Operations, that shall be approved by the Chief Information Officer, that sets forth: (a) operational and project priorities;  
33 (b) budget summaries; (c) planned projects and procurements; (d) staffing plans; (e) security initiatives; and (f) risks, issues, and  
34 concerns with the agency's information technology.

35 (7) Agencies shall enter information technology costs into the South Carolina Enterprise Information System (SCEIS) as  
36 directed by the Division of Technology Operations and SCEIS.

1 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
2 the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

3 The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and  
4 quasi-governmental bodies are specifically exempt from the requirements as provided in this provision.

5 ~~117.120. (GP: County Transportation Committee Road Program Supplement) Unexpended funds appropriated pursuant to this  
6 provision may be carried forward and expended for the same purposes.~~

7 **117.121.** (GP: Sentencing Reform Oversight Committee Reauthorization) There is established for the current fiscal year the South  
8 Carolina Sentencing Reform Oversight Committee. The oversight committee shall be composed of eleven members, two of whom  
9 shall be members of the Senate, both appointed by the Chair of the Senate Judiciary Committee and one being the Chair of the Senate  
10 Judiciary Committee or his designee; two of whom shall be members of the Senate, one appointed by the President Pro Tempore of  
11 the Senate and one appointed by the Chairman of the Senate Finance Committee; two of whom shall be members of the House of  
12 Representatives, both appointed by the Chair of the House Judiciary Committee and one being the Chair of the House Judiciary  
13 Committee or his designee; two of whom shall be members of the House of Representatives, one appointed by the Speaker of the  
14 House and one appointed by the Chairman of the House Ways and Means Committee; one of whom shall be appointed by the Chair  
15 of the Senate Judiciary Committee from the general public at large; one of whom shall be appointed by the Chair of the House  
16 Judiciary Committee from the general public at large; and one of whom shall be appointed by the Governor. Provided, however,  
17 that in making appointments to the oversight committee, race, gender, and other demographic factors should be considered to assure  
18 nondiscrimination, inclusion, and representation to the greatest extent of all segments of the population of the State. The members  
19 of the general public appointed by the chairs of the House and Senate Judiciary Committees must be representative of all citizens of  
20 this State and must not be members of the General Assembly.

21 The oversight committee must meet as soon as practicable after appointment and organize itself by electing one of its members as  
22 chair and such other officers as the oversight committee may consider necessary. Thereafter, the oversight committee must meet at  
23 the call of the chair or by a majority of the members. A quorum consists of seven members.

24 The oversight committee shall have the following powers and duties:

25 (1) to review the implementation of the recommendations made in the Sentencing Reform Commission report of February  
26 2010, including, but not limited to:

27 (a) the plan required from the Department of Probation, Parole and Pardon Services on the parole board training and other  
28 goals identified in Section 24-21-10;

29 (b) the report from the Department of Probation, Parole and Pardon Services on its goals and the development of  
30 assessment tools consistent with evidence-based practices;

31 (c) the report from the Office of Pretrial Intervention Coordinator in the Commission on Prosecution Coordination on  
32 diversion programs required by the provisions of Article 11, Chapter 22, Title 17; and

33 (d) the report from the Department of Probation, Parole and Pardon Services on:

34 (i) the number and percentage of individuals placed on administrative sanctions and the number and percentage of  
35 individuals who have earned compliance credits; and

- 1 (ii) the number and percentage of probationers and parolees whose supervision has been revoked for violations of  
2 conditions or for convictions of new offenses;
- 3 (2) to request data similar to the information contained in the report required by Section 17-22-1120 from private organizations  
4 for which programs are operated through a court and that divert individuals from prosecution, incarceration, or confinement, such as  
5 diversion from incarceration for failure to pay child support, and for which programs are sanctioned by, coordinated with, or funded  
6 by federal, state, or local governmental agencies;
- 7 (3) (a) to calculate:
- 8 (i) any state expenditures that have been avoided by reductions in the revocation rate as calculated by the Department  
9 of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680; and
- 10 (ii) any state expenditures that have been avoided by reductions in the new felony offense conviction rate as  
11 calculated by the Department of Probation, Parole and Pardon Services and reported under Sections 24-21-450 and 24-21-680;
- 12 (b) to develop rules and regulations for calculating the savings in item (3)(a), which shall account at a minimum for the  
13 variable costs averted, such as food and medical expenses, and also to consider fixed expenditures that are avoided if larger numbers  
14 of potential inmates are avoided;
- 15 (c) on or before December first, to report the calculations made pursuant to item (3)(a) to the President of the Senate, the  
16 Speaker of the House of Representatives, the Chief Justice of the South Carolina Supreme Court, and the Governor. The report also  
17 shall recommend whether or not to appropriate up to thirty-five percent of any state expenditures that are avoided as calculated in  
18 item (3)(a) to the Department of Probation, Parole and Pardon Services;
- 19 (i) with respect to the recommended appropriations in item (c), none of the calculated savings shall be recommended  
20 for appropriation for that fiscal year if there is an increase in the percentage of individuals supervised by the Department of Probation,  
21 Parole and Pardon Services who are convicted of a new felony offense as calculated in subitem (3)(a)(ii);
- 22 (d) any funds appropriated during this fiscal year pursuant to the recommendations in item (c) shall be used to supplement,  
23 not replace, any other state appropriations to the Department of Probation, Parole and Pardon Services;
- 24 (e) funds received through appropriations pursuant to this item shall be used by the Department of Probation, Parole and  
25 Pardon Services for the following purposes:
- 26 (i) implementation of evidence-based practices;
- 27 (ii) increasing the availability of risk reduction programs and interventions, including substance abuse treatment  
28 programs, for supervised individuals; or
- 29 (iii) grants to nonprofit victim services organizations to partner with the Department of Probation, Parole and Pardon  
30 Services and courts to assist victims and increase the amount of restitution collected from offenders;
- 31 (4) to submit to the General Assembly, on an annual basis, the oversight committee's evaluation of the implementation of the  
32 recommendations of the Sentencing Reform Commission report of February 2010;
- 33 (5) to make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in  
34 this section, including recommendations on transfers of funding based on the success or failure of implementation of the  
35 recommendations; and

1 (6) to undertake such additional studies or evaluations as the oversight committee considers necessary to provide sentencing  
2 reform information and analysis.

3 The oversight committee members are entitled to such mileage, subsistence, and per diem as authorized by law for members of  
4 boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid  
5 from the general fund of the State on warrants duly signed by the chair of the oversight committee and payable by the authorities  
6 from which a member is appointed.

7 The oversight committee is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources  
8 to carry out its duties and responsibilities.

9 The oversight committee must use clerical and professional employees of the General Assembly for its staff, who must be made  
10 available to the oversight committee.

11 The oversight committee may employ or retain other professional staff, upon the determination of the necessity for other staff by  
12 the oversight committee.

13 The oversight committee may employ consultants to assist in the evaluations and, when necessary, the implementation of the  
14 recommendations of the Sentencing Reform Commission report of February 2010.

15 **117.122.** (GP: State Employee Leave Donation) In the event of a medical emergency, a state employee may make a written  
16 request to the employing agency that a specified number of hours of his accrued annual and/or sick leave be transferred from his  
17 annual and/or sick leave account to a specific leave recipient rather than to a leave pool account, subject to the approval of the agency  
18 director. An employee with less than fifteen days in his sick leave account may not transfer any sick leave to the recipient, and an  
19 employee with more than fifteen days in his sick leave account may transfer sick leave to the recipient if he retains a minimum of  
20 fifteen days in his own sick leave account. Once leave of an employee has been transferred to the recipient, it may not be restored  
21 or returned to the leave donor. For purposes of this provision, a medical emergency is defined under IRS Revenue Ruling 90-29 as  
22 a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will  
23 result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from  
24 the leave-sharing plan.

25 **117.123.** (GP: State Engineer) The State Engineer is an office located within the State Fiscal Accountability Authority, all  
26 references to the contrary notwithstanding.

27 **117.124.** (GP: Retail Facilities Revitalization Act Repeal Suspension) The repeal of Chapter 34 of Title 6 of the 1976 Code as  
28 specified in Act 285 of 2006 as to sites for which written notification of election of mode of credit has been provided to the  
29 Department of Revenue prior to July 1, 2016 and for which a building permit has been issued prior to July 1, 2016, is suspended for  
30 Fiscal Year ~~2017-18~~ 2018-19.

31 **117.125.** (GP: Pittman-Robertson Funds State Match) From the funds authorized for the South Carolina Conservation Bank and  
32 upon receipt of an application pursuant to Section 48-59-70 of the 1976 Code, the Conservation Bank Board must award a grant of  
33 \$2,000,000 to the Department of Natural Resources to be used as the state match for Pittman-Robertson Wildlife Restoration Funds.

34 **117.126.** (GP: North American Wetlands Conservation Act State Match) From the funds authorized for the South Carolina  
35 Conservation Bank and upon receipt of an application pursuant to Section 48-59-70 of the 1976 Code, the Conservation Bank Board

1 must award a grant of \$1,000,000 to the Department of Natural Resources to be used as the state match for the North American  
2 Conservation Act or other eligible purposes as described in the application.

3 ~~117.127. (GP: DOT Structural Efficiencies Study) From the funds appropriated to and/or authorized for the Department of  
4 Transportation, the Inspector General, in collaboration with the Secretary of Transportation, is directed to conduct a national search  
5 to contract with a renowned firm that specializes in governmental structural efficiencies. The firm shall be tasked with studying the  
6 internal structure of the Department of Transportation, and making recommendations on improvements that would cause the  
7 department to operate more effectively and more cost efficiently. The Department of Transportation and any entity contracting with  
8 the department or the Office of Inspector General must fully cooperate with the firm in the discharge of its duties and responsibilities  
9 and must timely produce all requested information, including, but not limited to books, papers, correspondence, memoranda, and  
10 other records necessary in connection with an independent study. Final cost of the contractual arrangement with the chosen firm  
11 must be reported to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.  
12 The study and recommendations must be transmitted to the General Assembly.~~

13 **117.128.** (GP: Funds Exempt from Budget Reduction Calculations) The funds designated in F310, Section 107, Capital and  
14 General Reserve Funds, funds designated in V040, Section 112, Debt service, funds designated in X220, Section 113, Aid to  
15 Subdivisions - State Treasurer for the Local Government Fund, and funds designated in X500, Section 115, Tax Relief Trust Fund  
16 shall be excluded from the calculation of any across-the-board base reduction mandated by the Department of Administration,  
17 Executive Budget Office or the General Assembly and shall not be subject to any such reduction.

18 **117.129.** (GP: BabyNet) From funds available in the current fiscal year for budgetary analysis and oversight, the Executive  
19 Budget Office shall conduct an inventory of all BabyNet-related spending, which shall be submitted to the Governor, the Chairman  
20 of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than July 15, ~~2017~~ 2018.  
21 All affected agencies shall support the Executive Budget Office in this effort by providing information upon request, so that the first  
22 recommendation of the Legislative Audit Council's 2011 report on BabyNet may be implemented.

23 ~~**117.130.** (GP: Equestrian Center Therapy Program) The Department of Vocational Rehabilitation shall transfer \$500,000 to  
24 Lander University for the Lander Equestrian Center. These funds shall be used for the operation of the Equestrian Center and to  
25 create a Herd 2 Human pilot program to provide equine assisted psychotherapy geared towards military members as a method of  
26 treating post traumatic stress disorder (PTSD) and other similar disorders. These funds shall be used solely for the Equestrian Center  
27 and shall not be transferred and used for any other purpose.~~

28 **117.131.** (GP: South Carolina Telemedicine Network) From the funds appropriated to the Medical University of South Carolina  
29 for the MUSC Hospital Authority for Telemedicine and the funds appropriated and authorized for the Department of Health and  
30 Human Services, the agencies must continue the development of the South Carolina Statewide Telemedicine Network. The South  
31 Carolina Telehealth Alliance shall submit a proposal to the MUSC Hospital Authority and the Department of Health and Human  
32 Services to determine which hospitals, clinics, schools or other entities are best suited for Telemedicine partnerships.

33 (A) The Department of Health and Human Services shall develop or continue a program to leverage the use of teaching hospitals  
34 to provide rural physician coverage by expanding the use of Telemedicine, to include new applications such as School Based  
35 Telehealth, and Tele-ICU. The department shall also amend its policy related to reimbursement for telemedicine to add Act 301  
36 Behavioral Health Centers as a referring site for covered telemedicine services.

1 (B) During the current fiscal year the Department of Health and Human Services shall contract with the MUSC Hospital Authority  
2 in the amount of ~~\$9,000,000~~ \$5,000,000 to lead the development and operation of a statewide, open access South Carolina  
3 Telemedicine Network. The MUSC Hospital Authority shall contract with each Regional Support Hub to ensure funding and support  
4 of strategic plans submitted by the Regional Support Hubs and approved by both the MUSC Hospital Authority and the Department  
5 of Health and Human Services. Institutions and other entities participating in the network must be afforded the opportunity to  
6 meaningfully participate in the development of any annual refining to the initiative's strategic plan. Working with the department,  
7 the MUSC Hospital Authority shall collaborate with Palmetto Care Connections to pursue this goal. No less than \$1,000,000 of  
8 these funds shall be allocated toward support of Palmetto Care Connections and other hospitals in South Carolina. The MUSC  
9 Hospital Authority must provide the department with quarterly reports regarding the funds allocation and progress of telemedicine  
10 transformation efforts and networks. These reports must include an itemization of the ultimate recipients of these funds, whether  
11 vendors, grantees, specific participating institutions, or the Medical University of South Carolina, and must distinguish between  
12 funds allocation to the university as a participating institution as opposed to those retained and used by the university in its capacity  
13 as the administering entity for the network.

14 (C) An Advanced Practice Registered Nurse (APRN), as defined in Section 40-33-20(5) of the 1976 Code, working in a telehealth  
15 program may provide services pursuant to a written protocol approved by the South Carolina Board of Medical Examiners as required  
16 by Sections 40-33-34 and 40-47-195 using electronic communications, information technology, or other means to a patient in another  
17 location with or without an intervening practitioner. APRNs practicing telehealth will be held to the same standard of care as  
18 in-person medical care. Except as provided herein, this shall not be construed to allow an APRN to perform services beyond the  
19 scope of what is authorized by Title 40, Chapter 33 and Title 40, Chapter 47.

20 (D) The MUSC Hospital Authority shall publish a summary report to the Governor and the General Assembly indicating the  
21 overall progress of the state's telemedicine transformation by April 1, ~~2018~~ 2019.

22 **117.132.** (GP: Adult Protective Services Coordination Teams) ~~In order to best coordinate services for the South Carolina~~  
23 ~~vulnerable adult population, the Adult Protective Services Program at the Department of Social Services shall develop county level~~  
24 ~~multi-agency interdisciplinary Adult Protective Services Coordination Teams. These teams must develop and implement strategies~~  
25 ~~to ensure appropriate services are available and provided to vulnerable adults during the investigation and adjudication of the report~~  
26 ~~of alleged abuse, neglect, and exploitation of vulnerable adults.~~

27 ~~The following agencies are required to participate and/or designate a local entity to serve on the Adult Protective Services~~  
28 ~~Coordination Teams to address abuse and neglect and to prevent or delay institutionalization: Department of Health and Human~~  
29 ~~Services, Department of Disabilities and Special Needs, Department of Mental Health, and with advice and resources from the Lt.~~  
30 ~~Governor's Office on Aging. Participating agencies may expend necessary funds as authorized and/or appropriated in the current~~  
31 ~~fiscal year, to develop the APS Coordination Teams. The teams must give priority for services for assessment of mental and physical~~  
32 ~~conditions, eligibility for services, home and community based services waivers, home health, hospice, targeted case management,~~  
33 ~~Optional State Supplementation & OSCAP, service coordination, Intermediate Care Facilities for Individuals with Intellectual~~  
34 ~~Disabilities (ICF/IID), behavioral health programs such as community mental health programs, inpatients psychiatric services,~~  
35 ~~nursing facility care, and other home and community based services such as home delivered meals and transportation.~~

1     ~~The Department of Social Services shall submit a report on the progress of the implementation and any necessary funding requests~~  
2 ~~to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by~~  
3 ~~January 1, 2018.~~

4     **117.133.** (GP: Distribution Facility) The State Ports Authority shall be considered a distribution facility for the purpose of sales  
5 tax exemptions associated with the purchase of equipment and construction materials.

6     **117.134.** (GP: Catastrophic Weather Event) (A) Any improvements made to real property or personal property used as a residence,  
7 such as a mobile home or manufactured housing unit, damaged during the catastrophic weather event in October 2015 or Hurricane  
8 Matthew of 2016, after the event and before June 30, ~~2018~~ 2019, is not considered an improvement and does not require a re-appraisal.  
9 This provision only applies if as a result of the catastrophic weather event, the improvements made to the property were funded by  
10 the United States Department of Housing and Urban Development Block Grant - Disaster Recovery program. This provision also  
11 applies if, at the discretion of the county and using qualifications determined by the county, the improvements were made with the  
12 assistance of a volunteer organization active in disaster, or a similar volunteer organization.

13     (B) During the current fiscal year, the property tax value of an eligible property shall remain the same unless an assessable transfer  
14 of interest occurs. No refund is allowed on account of values adjusted as provided in this provision.

15     **117.135.** (GP: Study Committee on Electronic Recording of Custodial Interrogations) From the funds appropriated to and/or  
16 authorized for the Judicial Department, Court Administration Program, the department shall establish a study committee to study  
17 statewide implementation of electronic recording of custodial interrogations in their entirety. The committee shall review current  
18 written policies, practices and equipment in place at state and local law enforcement agencies for electronically recording custodial  
19 interrogations; guidelines for a state model policy on electronically recording custodial interrogations in their entirety, including  
20 definition of the term custodial interrogations, the crime categories for which custodial interrogations shall be recorded, exigent  
21 circumstances that would exempt an officer from recording an interrogation in its entirety; recommendations for how law  
22 enforcement agencies can obtain or access audiovisual or audio-only equipment to record custodial interrogations, anticipating the  
23 differences in resources available to large and small agencies; and remedies that the court may consider if a custodial interrogation  
24 is not recorded.

25     The study committee shall be comprised of the following:

- 26     (1) Two members of the Senate appointed by the President Pro Tempore of the Senate;
- 27     (2) Two members of the House of Representatives appointed by the Speaker of the House;
- 28     (3) A representative appointed by the Attorney General;
- 29     (4) Chief of the State Law Enforcement Division;
- 30     (5) A representative of the South Carolina Sheriffs' Association;
- 31     (6) A representative from the South Carolina Commission on Prosecution Coordination;
- 32     (7) A representative of the South Carolina Association for Justice;
- 33     (8) A representative of the South Carolina Association of Criminal Defense Lawyers, and
- 34     (9) A representative of the Commission on Indigent Defense.

35     Staff support shall be provided by Court Administration. The committee shall submit a written report of its findings and  
36 recommendations to the House of Representatives, the Senate and the Governor's Office no later than March 1, 2018.



1       **117.136.** (GP: Indigent Defense Screening Review) ~~The Commission on Indigent Defense and the Judicial Department Court~~  
2 ~~Administration Program shall consult with the Summary Court Judges' Association and Clerks of Court Association on issues~~  
3 ~~regarding the screening of applicants for indigent defense representation. The Commission on Indigent Defense and Court~~  
4 ~~Administration shall make recommendations to the Chairman of the House Ways and Means Committee, the Chairman of the House~~  
5 ~~Judiciary Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Judiciary Committee no later~~  
6 ~~than December 1, 2017 regarding: requirements for applicants to verify their financial status, supporting documentation that should~~  
7 ~~be required of all applicants; who should conduct the screening, what resources are necessary to properly screen applicants and any~~  
8 ~~other recommendations that will assist in ensuring only those applicants that are truly indigent qualify for the services of a public~~  
9 ~~defender or other appointed counsel.~~

10       **117.137.** (GP: Prohibited Funding for Aborted Fetus Research) Notwithstanding any other provision of this act, general funds  
11 appropriated in this act may not be used to purchase fetal tissue obtained from an abortion to perform scientific or laboratory research  
12 or other kinds of investigation conducted on fetal tissue.

13       **117.138.** RESERVED

14       **117.139.** (GP: SCRS & PORS ~~Contribution Rates~~ *Trust Fund*) ~~If the employer contribution rates for the South Carolina~~  
15 ~~Retirement System (SCRS) and the Police Officers' Retirement System (PORS) increase by more than one percentage point for~~  
16 ~~Fiscal Year 2017-18, Unless otherwise provided in Paragraphs A through D of this provision, the funds appropriated to the Public~~  
17 ~~Employee Benefit Authority (PEBA) for the South Carolina Retirement System Trust Fund and the Police Officers' Retirement~~  
18 ~~System Trust Fund in Part IA, Section 108 of this act shall be credited toward the contributions due from participating employers in~~  
19 ~~SCRS and PORS for Fiscal Year ~~2017-18~~ 2018-19. Each employer's credit shall be determined at the same rate as calculated by~~  
20 ~~PEBA for the pension funding allocation credit for Fiscal Year 2017-18. In no event shall a A participating employer shall not~~  
21 ~~receive a credit that exceeds the employer contributions due from the employer.~~

22       (A) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of special  
23 purpose districts, joint authorities, or non-profit corporations.

24       (B) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of  
25 hospitals.

26       (C) From the funds available for allocation pursuant to this provision, no credits shall be issued for covered employees of  
27 participating associations or service organizations as defined in Section 9-1-10(11)(e) of the 1976 Code.

28       (D) From the funds available for allocation pursuant to this provision, no credits shall be issued for state employees who are  
29 funded with federal funds. The Public Employee Benefits Authority shall collaborate with the Department of Administration,  
30 Executive Budget Office and the Revenue and Fiscal Affairs Office to determine the amount of credit exclusion for federally-funded  
31 employees of state agencies.

32       **117.140.** (GP: Retirement System Assets and Custodial Banking Relationship Transfer) In order to facilitate the transfer of  
33 custodianship of the assets of the Retirement System to the Public Employee Benefit Authority and governance of the custodial  
34 banking relationship to the Retirement System Investment Commission, all portions of contracts, agreements, and exemptions from  
35 the Consolidated Procurement Code providing for and relating to custodial banking, general banking, accounting, or any other

1 ancillary services are transferred to, and devolved upon, the Public Employee Benefit Authority and the Retirement System  
2 Investment Commission in accordance with the authority transferred to the respective agency.

3 **117.141. (GP: SDE State Transportation Operations) DELETED**

4 **117.142. (GP: Opioid Abuse Prevention and Treatment Plan) From the funds appropriated and authorized to the Department of**  
5 **Alcohol and Other Drug Abuse Services and the Department of Health and Human Services in the current fiscal year, the agencies**  
6 **shall establish a coalition of state agencies, providers and other related entities to combat the opioid epidemic in a collaborative**  
7 **manner and ensure that appropriate services and treatments are made available statewide. This initiative should include efforts to**  
8 **coordinate funding for the provision of treatment with an assessment of current programs and funding levels, to enhance available**  
9 **prevention, treatment and recovery services; expand provider capacity; and enable workforce development for substance use**  
10 **disorder services. General Funds appropriated to any state agency for Opioid Abuse Prevention and Treatment may be carried**  
11 **forward and expended for the same purpose.**

12 **(A) The Department of Alcohol and Other Drug Abuse Services, the State Law Enforcement Division, and the Department of**  
13 **Health and Human Services shall establish an advisory board with representation from both agencies, to provide both oversight and**  
14 **administrative direction to the coalition. The advisory board may also include representation from the Department of Health and**  
15 **Environmental Control, the Department of Mental Health, the Medical University of South Carolina, the University of South**  
16 **Carolina's School of Medicine, the Department of Labor Licensing and Regulation, the Department of Corrections, state and local**  
17 **law enforcement agencies, the judicial branch, the South Carolina Hospital Association, the South Carolina Medical Association,**  
18 **the South Carolina Primary Health Care Association, Behavioral Health Centers and other related entities. The advisory board**  
19 **must consider recommendations made in the 2018 report by the South Carolina House of Representatives Opioid Abuse Prevention**  
20 **Study Committee, as well as any recommendations made by the South Carolina Behavioral Health Coalition related to substance**  
21 **use disorders and create a plan to ensure implementation of appropriate recommendations.**

22 **(B) The Department of Health and Human Services may leverage any and all available federal funds to implement enhanced**  
23 **treatment services and resources for this coalition. The department may also develop a waiver application through the Centers for**  
24 **Medicaid and Medicare Services that could provide coverage for populations that have a substance use disorder diagnosis. Until a**  
25 **waiver is approved to expand access to substance use treatment in Institutions of Mental Disease (IMD), the department shall ensure**  
26 **that IMDs are considered an "in lieu of" service in its managed care contracts, when medically appropriate. The department must**  
27 **also work with Medicaid Managed Care Organizations to ensure policies governing the clinical review, utilization management,**  
28 **and determinations of medical necessity for Medication-Assisted Treatment (MAT) for opioid use disorder are consistent with**  
29 **American Society for Addiction Medicine (ASAM) criteria.**

30 **(C) In consultation with the Department of Alcohol and Other Drug Abuse Services and the Medical University of South**  
31 **Carolina Hospital Authority, the Department of Health and Human Services shall review and evaluate outcomes data from the 2018**  
32 **pilot program for MAT services for prescription opioid dependency and addiction established by Act 97 of 2017. Based on the**  
33 **success rate and ability to replicate this pilot, the department may provide funding not to exceed \$2,500,000 to continue and expand**  
34 **the program to additional providers that are necessary to ensure greater impact in geographical areas of critical need. All**  
35 **medications proven to be effective in treating opioid addiction shall be considered as viable options on a case by case basis to ensure**  
36 **the greatest level of success for individuals in the program.**

1 (D) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall assist  
2 the Department of Health and Environmental Control with any funding required to implement necessary programmatic  
3 enhancements to the Prescription Monitoring Program. The departments must consider changes to strengthen risk assessments and  
4 patient support tools, as well as the potential integration of Electronic Health Record systems. To the extent possible, the program  
5 must be expanded to include the administration of naloxone and other opioid overdose antidotes.

6 (E) In order to provide comprehensive treatment, from the point of incarceration, to individuals charged with criminal offenses  
7 who suffer from any substance use disorder that is treatable with medication, the Department of Alcohol and Other Drug Abuse  
8 Services must solicit potential cooperation from law enforcement, the state's solicitors, Magistrate Courts and Circuit Courts, to  
9 establish a diversion program in at least one judicial circuit. This program shall provide both behavioral and medical treatment,  
10 consultations with peer support specialists, and continued supervision of participants who are released, which may include electronic  
11 monitoring.

12 (F) The Department of Alcohol and Other Drug Abuse Services and the Department of Health and Human Services shall also  
13 coordinate with at least one four-year college or university and one two-year technical college with on-campus dormitories to  
14 establish pilot programs for Collegiate Recovery Programs to target intervention and the retention of students. These programs  
15 must offer academic support in designated spaces that provide for group meetings, clinical support, technology access, and academic  
16 advising, to assist students in recovery.

17 (G) The advisory board shall provide a report on the success of the development of the plan and the implementation of  
18 recommendations to the Chairman of the Senate Finance Committee, the Chairman of the House Ways & Means Committee, and the  
19 Governor no later than January 31, 2019. The report may also include proposals for amending existing recommendations or the  
20 establishment of new policies to combat the opioid epidemic.

21 **117.143. (GP: Adult Protective Services Study Committee) DELETED**

22 **117.144. (GP: Immigration Unit Transfer to SLED) DELETED**

23 117.145. (GP: SCEIS Data Entry Compliance) The Department of Administration shall develop and issue written SCEIS data  
24 entry standards and guidelines for agency compliance. To ensure uniform compliance with these standards and guidelines, state  
25 agencies shall comply with all SCEIS data entry rules, standards, plans, policies, directives, and guidelines established by the  
26 Department of Administration.

27 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
28 the House Ways and Means Committee regarding agency compliance no later than December thirty-first of each calendar year.

29 117.146. (GP: Statewide Real Estate Plan Implementation) Pursuant to legislative intent expressed in Proviso 118.2 (Tiling of  
30 Real Property) of this Act to establish a comprehensive central real property and office facility management process to plan for the  
31 needs of state government agencies; and to achieve maximum efficiency and economy in the use of state-owned, state-leased, and  
32 commercial leased facilities, all state agencies are directed as follows:

33 (1) In the current occupation of state-owned and commercial facilities or prior to incurring an obligation to expend funds  
34 through entering or renewing a lease for state-owned or commercial facilities, state agencies shall work in conjunction with the  
35 Department of Administration to achieve uniform space standards in state-owned, state-leased, and commercial leased facilities  
36 resulting over time in an overall target density of 210 square feet per person unless otherwise approved by the department.

1 (2) Prior to entering or renewing any contract for leasing real property, state agencies shall comply with the Department of  
2 Administration's site selection criteria for state-owned, state-leased, or commercial leased space.

3 (3) State agencies shall record into the South Carolina Enterprise Information System (SCEIS) all maintenance and operations  
4 expenditures for state-owned and state-leased facilities in the manner prescribed by the Department of Administration.

5 (4) State agencies shall provide to the Department of Administration a list of all contracts related to facilities management,  
6 maintenance, and support, and shall not renew or enter into any new contracts related to facilities management, maintenance or  
7 support without prior approval from the Department of Administration.

8 (5) Under guidance and direction of the Department of Administration, state agencies shall annually report on and submit  
9 plans to address ongoing and deferred maintenance for all state-owned real property.

10 (6) State agencies shall annually update and submit an inventory of state-owned facilities and land to the Department of  
11 Administration by June 30 of each fiscal year in the manner prescribed by the department. Each submission shall include a portfolio  
12 assessment with recommendations for any dispositions.

13 The Legislative Branch, the Judicial Branch, public institutions of higher learning, technical colleges, political subdivisions and  
14 quasi-governmental bodies are generally exempt from the requirements of this proviso; provided, however, that public institutions  
15 of higher learning and technical colleges shall be subject to the provisions of paragraph (6) in its entirety, and the provisions of  
16 paragraph (1) with respect to any facility or portion thereof used for administrative and office space.

17 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
18 the House Ways and Means Committee regarding compliance with this proviso no later than December 31 of each calendar year,  
19 beginning December 31, 2018.

20 117.147. (GP: Statewide Administrative Services) The Department of Administration may provide consolidated administrative  
21 services to all agencies to promote cost savings, process integrity and other efficiencies, and to reduce duplication, overlap and  
22 redundancies, or any combination thereof and to provide for consistency in transactions and processes and to advance a statewide  
23 approach to agency administration. Consolidated administrative services may include, but are not limited to: 1) financial and  
24 accounting support, such as accounts payable and receivable processing, procurement processing, journal entry processing and  
25 financial reporting assistance; 2) human resources administrative support, such as transaction processing and reporting, payroll  
26 processing, and human resources training; and 3) budget support, such as budget transaction processing and budget reporting  
27 assistance.

28 Agencies that receive twenty million dollars or less in total appropriations in the current fiscal year shall consult with the  
29 Department of Administration to determine whether the use of consolidated administrative services offered by the department would  
30 be beneficial to the agency. The Legislative Branch, the Judicial Branch, public institutions of higher learning and technical colleges  
31 shall be exempt from the requirements of this provision.

32 The Department of Administration shall provide a report to the Chairman of the Senate Finance Committee and the Chairman of  
33 the House Ways and Means Committee regarding agency utilization of administrative services offered by the department no later  
34 than December 31, 2018.

35 117.148. (GP: Mobile Device Protection Plan) DELETED

36 117.149. (GP: Prohibition of Discriminatory Practices) DELETED

1 117.150. (GP: Cremation/Burial-Removal-Transit Permits) DELETED

2 117.151. (GP: SHP for Volunteer Firefighters) DELETED

3 117.152. (GP: Legal Funding Transactions) DELETED

4 117.153. (GP: State Contracts) DELETED

5 117.154. (GP: SC Student Loan Default Aversion and Financial Literacy Program) Of the funds appropriated to the Commission  
6 on Higher Education and the State Board for Technical and Comprehensive Education, the commission and the board shall  
7 cooperatively oversee a competitive procurement in accordance with the South Carolina Consolidated Procurement Code of a  
8 vendor that will develop, implement, operate and maintain a "South Carolina Student Loan Default Aversion and Financial Literacy  
9 Program." To the extent practicable, the program shall be similar to the program previously authorized by this state during the  
10 period of December 8, 2014 through June 6, 2017. The vendor shall operate the program in accordance with United States  
11 Department of Education regulations enacted by the Higher Education Opportunity Act of 2009 and shall provide its programs  
12 and/or services at no cost to participating colleges and universities, public or private whose headquarters are located in South  
13 Carolina. For purposes of this provision, participating colleges or universities shall be referred to as "clients." Funds required by  
14 the commission and board to procure a vendor and/or funds required by the vendor in accordance with its contract to develop,  
15 implement, operate and/or maintain the program shall not be paid from state funds, but instead shall be paid from available funds  
16 already held for a similar purpose by the South Carolina Education Assistance Authority which are funds currently overseen by the  
17 Office of State Treasurer on behalf of the State Fiscal Accountability Authority. Upon application by the commission and board to  
18 the State Fiscal Accountability Authority, the authority shall release the minimum amount of necessary funds required by the  
19 commission and/or vendor to fulfill the requirements of this provision. At a minimum, the vendor shall: 1) perform various and  
20 multiple outreach efforts to contact a client's delinquent student borrowers, including, but not limited to, telephone calls, emails and  
21 other such communication methods; 2) perform skip trace efforts with the objective of locating and attempting to contact a client's  
22 delinquent student borrowers; 3) make available to a client and its student population information regarding various financial  
23 literacy topics, including but not limited to student loan repayment; 4) make available to South Carolina high schools and its student  
24 population information regarding various financial literacy topics, including awareness about student loans and related repayment  
25 of such loans; 5) assist a client, as applicable and if requested, whose official cohort default rate as determined by the United States  
26 Department of Education is thirty percent or greater for the last three reporting years, thereby placing the client at risk of being  
27 sanctioned and/or losing all Title IV funding, in developing a default management plan for submission as required by and approved  
28 by the United States Department of Education; and 6) provide reporting to a client at least monthly on contracted activities. Nothing  
29 herein requires nor prohibits the South Carolina Education Assistance Authority from submitting a competitive bid to develop,  
30 implement, operate and maintain this program. Likewise, nothing herein shall be construed to require an eligible college or  
31 university to participate in this program.

32 117.155. (GP: Higher Education Organizational Structure Study Committee) Of the funds appropriated to the Commission on  
33 Higher Education, there is created a Higher Education Organizational Structure Study Committee. The purpose of the study  
34 committee shall be to review the current roles and responsibilities of the Commission on Higher Education in order to provide clarity  
35 regarding its advocacy, regulatory and/or oversight responsibilities as well as to make recommendations regarding the future growth  
36 of higher education within this state, and the coordination of that growth between our state's institutions of higher learning to ensure

1 the viability of those institutions going forward in order to meet the state's future workforce demands. The study committee shall be  
2 composed of members appointed as follows:

3 (1) the President Pro Tempore of the Senate or his designee;

4 (2) the Speaker of the House of Representatives or his designee;

5 (3) the Majority Leader of the Senate, or his designee;

6 (4) the Majority Leader of the House of Representatives, or his designee;

7 (5) the Minority Leader of the Senate, or his designee;

8 (6) the Minority Leader of the House of Representatives, or his designee;

9 (7) a president of a South Carolina Historically Black College or University, appointed by the Governor, or his designee;

10 (8) the Chairman of the Commission on Higher Education or his designee;

11 (9) a president of a four-year independent college, appointed by the Board of Trustees of the South Carolina Independent  
12 Colleges and Universities Association, or his designee;

13 (10) a public research university president selected by a majority vote of the Council of Presidents as defined in Section 59-  
14 103-40 of the 1976 Code;

15 (11) a public comprehensive college or university president selected by a majority vote of the Council of Presidents as defined  
16 in Section 59-103-40 of the 1976 Code;

17 (12) a public technical college president selected by a majority vote of the Council of Presidents as defined in Section 59-103-  
18 40 of the 1976 Code; and

19 (13) a chief financial officer of a public college or university, including a technical college, selected by a majority vote of the  
20 Council of Presidents as defined in Section 59-103-40 of the 1976 Code.

21 Members of the committee shall serve without compensation, but are allowed the usual per diem and mileage as provided by law  
22 for members of boards, commissions, and committees while on official business.

23 The President Pro Tempore of the Senate and the Speaker of the House of Representatives or their designees shall serve as Co-  
24 Chairmen of the committee and shall convene a meeting as soon as practicable after all appointees have been named.

25 Staff support shall be provided by the Commission on Higher Education, the House Education and Public Works Committee, and  
26 the Senate Education Committee. The committee shall provide findings and recommendations to the General Assembly on or before  
27 February 1, 2019.

28 **117.156.** (GP: South Carolina Industry, Workforce and Education Data Warehouse) There is hereby established within the  
29 Revenue and Fiscal Affairs Office (RFA), the South Carolina Industry, Workforce and Education Data Warehouse (IWEDOC). The  
30 purpose of the warehouse is to create a fully functional longitudinal data system to link industry, workforce and education data  
31 through enhanced coordination and integration of courseware, certifications and individual data to meet the objectives of and in  
32 accordance with the requirements of the Coordinating Council for Workforce Development (CCWD). In addition, RFA is directed  
33 to develop and implement procedures for sharing information and coordinating efforts among stakeholders to prepare the state's  
34 current and emerging workforce to meet the needs of the state's economy. Individual data is defined as person-level data that is  
35 created, received, and/or maintained by state agencies and other entities required to report individual information to RFA under this  
36 provision. To integrate courseware, certifications and individual information, individual data and non-individual data from industry,

1 workforce and education state agencies will be linked to improve individual outcome measures, enabling state agencies to analyze  
2 coordination and continuity of the workforce delivery system. The addition of this data will enhance existing agency systems to  
3 effectively organize, manage, and analyze educational, workforce and other data as necessary for effective program evaluation and  
4 outcomes. Certain individual information shall be delivered to RFA in order to assist in the development and maintenance of this  
5 warehouse. The following agencies shall report as necessary courseware, certifications, industry and individual information:

6 (1) the Department of Commerce;

7 (2) the Department of Education;

8 (3) the Department of Employment and Workforce;

9 (4) the State Technical College System;

10 (5) the South Carolina First Steps to School Readiness;

11 (6) the Commission on Higher Education; and

12 (7) other entities as deemed necessary by the IWEDOC, CCWD and RFA.

13 These agencies shall collect and provide individual data in formats and schedules to be specified by RFA, in concurrence with  
14 IWEDOC and CCWD. RFA shall establish a Memorandum of Agreement with each agency or entity. These Memorandums of  
15 Agreement shall specify, but are not limited to, the confidentiality of individual information, the conditions for the release of data  
16 that may identify agencies, departments, divisions, programs and services, or individuals, any restrictions on the release of data so  
17 as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the data may be  
18 used for research purposes, and any security measures to be taken to insure the confidentiality of individual information.

19 To ensure accountability and the coordinated, efficient delivery of education and workforce services to meet the demands of  
20 industry, RFA shall implement, in consultation with the CCWD, IWEDOC, and other entities as deemed necessary, an integrated  
21 data system that includes individual and other data from all participating agencies.

22 In order to provide for inclusion of other entities into the South Carolina Industry, Workforce and Education Data Warehouse  
23 and other research and analytic-oriented applications that will assist the state in the efficient and effective provision of services,  
24 RFA shall have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public  
25 institution or with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research  
26 and information dissemination services including, but not limited to, program and outcomes evaluation, program  
27 monitoring/surveillance, projects to determine the feasibility of data collection and/or analyses, information dissemination and  
28 research. The confidentiality of data collected under these initiatives shall comply with applicable state and federal laws governing  
29 the privacy of data. RFA shall have the power to promulgate regulations, policies and procedures, in consultation with the  
30 participating agencies, for the development, protection and operation of the data warehouse, other research and analytic-oriented  
31 applications, and their underlying processes.

32 RFA shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated individual data from  
33 the warehouse. All agencies shall cooperate with RFA in the development of these analytic tools. It is the intent of this provision  
34 that the analytic tools developed under this provision shall be made available to members of the South Carolina General Assembly  
35 and their research staff members, state agencies, and researchers. To that end, RFA shall, in consultation with the participating  
36 agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.

1 All state agencies participating in the warehouse shall utilize it and its associated software applications in the day-to-day operation  
2 of their programs and for coordination, collaboration, program evaluation and outcomes analysis.

3 No state agency shall duplicate any of the responsibilities of this provision.

4 117.157. (GP: Accounting and Financial Management Systems) The Office of State Treasurer and the Department of  
5 Administration shall provide the staffs of the Senate Finance Committee, the House Ways and Means Committee, the Joint Bond  
6 Review Committee, the Executive Budget Office, and the Revenue and Fiscal Affairs Office read-only access to the accounting and  
7 financial management systems utilized by the Office of State Treasurer to manage the state's investment, depository, debt, and all  
8 other treasury functions.

9 117.158. (GP: State Flag Study Committee) There is created the South Carolina State Flag Study Committee charged with  
10 proposing an official, uniform design for the state flag based on historically accurate details and legislative adoptions. Membership  
11 of the study committee shall be comprised of five members as follows:

12 (1) the Director of the Department of Archives and History, or his designee, who shall serve as chairman;

13 (2) the Director of the Department of Administration, or his designee;

14 (3) one member appointed by the President Pro Tempore of the Senate;

15 (4) one member appointed by the Speaker of the House of Representatives; and

16 (5) one member appointed by the Governor.

17 The study committee shall provide a report including a proposed design to the General Assembly by February 1, 2019, at which  
18 time the study committee shall dissolve. Members of the study committee shall receive mileage, per diem, and subsistence as provided  
19 by law.

## 21 SECTION 118 - X910 - STATEWIDE REVENUE

22  
23 **118.1.** (SR: Year End Cutoff) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary  
24 expenses of the State Government shall lapse on July 31, ~~2018~~ 2019. State agencies are required to submit all current fiscal year  
25 input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by ~~July 13, 2018~~  
26 July 12, 2019. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the  
27 second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval  
28 of the State Fiscal Accountability Authority and Joint Bond Review Committee, toward the accomplishment of the purposes for  
29 which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now  
30 outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless  
31 definite commitments shall have been made, with the approval of the State Fiscal Accountability Authority, toward the  
32 accomplishment of the purposes for which the appropriations were provided.

33 **118.2.** (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and  
34 office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and  
35 economy in the use of state owned or state leased real properties. The Department of Administration is directed to identify all state  
36 owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state



1 government are upon request to provide the department all documents related to the title and acquisition of the real properties that  
2 are occupied or used by the agency or titled in the name of the agency. Except for any properties where the department determines  
3 title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property,  
4 or where the department determines the state would be best served by not receiving title, and with the exception of properties,  
5 highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or  
6 department shall be titled in the name of the state under the control of the Department of Administration. Titling in the name of the  
7 state shall not affect the operation or use of real property by an agency.

8 This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority;  
9 the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force  
10 Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the  
11 Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the Charleston  
12 Naval Complex Redevelopment Authority.

13 This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of state  
14 owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

15 The Department of Administration is directed to provide to the Department of Education, funds equal to the amount realized from  
16 the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop  
17 equipment.

18 **118.3.** (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general  
19 fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues  
20 accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund.  
21 Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the Comptroller  
22 General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the Board of  
23 Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be appropriated only for  
24 the purposes provided in subsection (B).

25 (B) (1) If the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State  
26 and Section 11-11-310 of the 1976 Code is less than the required balance, there must be appropriated to it all amounts in the  
27 Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant  
28 the minimum replenishment amount otherwise required to be made to the general reserve fund.

29 (2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be  
30 appropriated by the General Assembly as it deems appropriate.

31 **118.4.** (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB  
32 of Act 291 of 2010 may be carried forward from the prior fiscal year into the current fiscal year and shall be expended for the same  
33 purposes.

34 **118.5.** (SR: Health Care Maintenance of Effort Funding) The revenue collected from the fifty cent cigarette surcharge and  
35 deposited into the South Carolina Medicaid Reserve Fund ~~and established by Act 170 of 2010 and any other funds deposited into the~~  
36 fund shall be ~~utilized~~ deemed appropriated for use by the Department of Health and Human Services for the Medicaid program. ~~By~~

1 ~~this provision these funds are deemed to have been received and are available for appropriation.~~ Unexpended funds appropriated  
2 pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.

3 **118.6.** (SR: Prohibits Public Funded Lobbyists) All state agencies and institutions are prohibited from using general fund  
4 appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics  
5 Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying  
6 activities were not funded by general fund appropriations.

7 All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying  
8 services to the agency or institution.

9 **118.7.** (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue  
10 collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year  
11 featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current fiscal  
12 year to keep a NASCAR race at the motorsports entertainment complex facility. In addition, any sports facility that hosts at least  
13 one preeminent Women's Tennis Association-sanctioned tournament or any sports facility that operates as the home venue for a  
14 professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility  
15 half of its admissions tax revenue for the fiscal year and used by that facility for marketing the events held at the facility.

16 **118.8.** (SR: Agency Deficit Notice) The Comptroller General or the Executive Budget Office shall (1) provide written notice to  
17 each member of the General Assembly when it makes a report concerning an agency, department, or institution that is expending  
18 authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and (2)  
19 make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.

20 **118.9.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the  
21 General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31,  
22 ~~2017~~ 2018, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These  
23 funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve  
24 Fund shall be retained and carried forward to be used for the same purpose.

25 **118.10.** (SR: Tax Deduction for Consumer Protection Services) (A) In addition to the deductions allowed in Section 12-6-1140  
26 of the 1976 Code, there is allowed a deduction in computing South Carolina taxable income of an individual the actual costs, but not  
27 exceeding three hundred dollars for an individual taxpayer, and not exceeding one thousand dollars for a joint return or a return  
28 claiming dependents, incurred by a taxpayer in the taxable year to purchase a monthly or annual contract or subscription for identity  
29 theft protection and identity theft resolution services. The deduction allowed by this item may not be claimed by an individual if the  
30 individual deducted the same actual costs as a business expense or if the taxpayer is enrolled in the identity theft protection and  
31 identity theft resolution services offered free of charge by the State of South Carolina. For purposes of this item, 'identity theft  
32 protection' means products and services designed to prevent an incident of identify fraud or identity theft or other protect the private  
33 of a person' personal identifying information, as defined in Section 16-13-510(D), by precluding a third party from gaining  
34 unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits or  
35 services; and identity theft resolution services means products and services designed to assist persons whose personal identifying

1 information, as defined by Section 16-13-510(D), was obtained by a third party, whereby minimizing the effects of the identity fraud  
2 or identity theft incident and restoring the person's identity to pre-theft status.

3 (B) The deduction provided in (A) is only allowed for taxpayers that filed a return with the Department of Revenue for any taxable  
4 year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information  
5 was contained on the return of another eligible person, including minor dependents.

6 (C) By March fifteenth of each year, the department shall issue a report to the Governor and the General Assembly detailing the  
7 number of taxpayers claiming the deduction allowed by this item in the most recent tax year for which there is an accurate figure,  
8 and the total monetary value of the deductions claimed pursuant to this item in that same year.

9 (D) The department shall prescribe the necessary forms to claim the deduction allowed by this section. The department may  
10 require the taxpayer to provide proof of the actual costs and the taxpayer's eligibility.

11 **118.11.** (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the  
12 Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") ~~during Fiscal Year~~  
13 ~~2017-18~~ *in the current fiscal year*, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the  
14 operating expenses of the Authority, to transfer the remaining funds as follows:

15 (1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State  
16 Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to  
17 enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act; and

18 (2) The remaining balance shall be transferred to *a restricted account authorized solely for use by* the Department of Health  
19 and Human Services for the Medicaid program. *Earnings on this fund must be credited to the fund and balances may be carried*  
20 *forward from the prior fiscal year for the same purpose.*

21 (B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for ~~Fiscal Year 2017-18~~ *the current fiscal year*.

22 **118.12.** (SR: One Dollar Appropriations) Funds appropriated in the amount of one dollar by this act shall not be disbursed. The  
23 Comptroller General shall adjust the affected agency's chart of accounts accordingly, if necessary.

24 **118.13.** (SR: Nonrecurring Revenue) ~~(A) The source of revenue appropriated in subsection (B) is nonrecurring revenue generated~~  
25 ~~from the following sources:~~

26 ~~(1) \$28,496,108 from Fiscal Year 2016-17 unobligated general fund revenue as certified by the Board of Economic~~  
27 ~~Advisors;~~

28 ~~(2) \$16,183,789 from the Litigation Recovery Account;~~

29 ~~(3) \$4,526,031 from the South Carolina Farm Aid Fund Lapse;~~

30 ~~(4) \$7,879,103 from Fiscal Year 2016-17 (X440) Excess Homestead Exemption;~~

31 ~~(5) \$13,397,132 from Fiscal Year 2016-17 Debt Service Lapse; and~~

32 ~~(6) \$17,800,000 redirected from Fiscal Year 2016-17 (D100) State Law Enforcement Division Forensic Building. The State~~  
33 ~~Law Enforcement Division shall lapse to the General Fund the funds appropriated in Act 284 of 2016 by proviso 118.16, item~~  
34 ~~(B)(31)(a) for a Forensic Building.~~

1 Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers  
 2 shall occur no later than thirty days after the close of the books on Fiscal Year 2016-17 and shall be available for use in Fiscal Year  
 3 2017-18.

4 This revenue is deemed to have occurred and is available for use in Fiscal Year 2017-18 after September 1, 2017, following the  
 5 Comptroller General's close of the state's books on Fiscal Year 2016-17.

6 (B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must  
 7 be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded  
 8 in the order in which it appears to the extent that revenues are available.

9 The State Treasurer shall disburse the following appropriations by September 30, 2017, for the purposes stated:

10 (1) F310 General and Capital Reserve Funds

11 General Reserve Fund Contribution.....\$ 15,532,616

12 (2) P280 Department of Parks, Recreation and Tourism

13 Statewide Coastal Beach Renourishment.....\$ 5,000,000

14 (2.1) The Department of Parks, Recreation and Tourism shall allocate the funds appropriated in item (2) for Statewide Coastal  
 15 Beach Renourishment to local governments and state agencies for beach renourishment activities to repair damage caused by storm  
 16 activity in 2015 and 2016 and to accelerate routine renourishment activities on beaches damaged by the storms. Local governments  
 17 and state agencies shall make application for renourishment funds on a form and in the manner prescribed by the department and  
 18 funds shall be allocated using a prioritization process developed by the department. The department shall report to the Governor,  
 19 the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee on applications received  
 20 and the process for prioritizing renourishment funding no later than September 1, 2017.

21 (3) P320 Department of Commerce

22 (a) Closing Fund.....\$ 16,100,000

23 (b) LocateSC.....\$ 8,000,000

24 (c) Applied Research Centers.....\$ 2,000,000

25 (4) J040 Department of Health and Environmental Control

26 Pinewood Site Leachate Recovery.....\$ 1,848,000

27 (5) J020 Department of Health and Human Services

28 Rural Hospital Transformation Plan.....\$ 4,000,000

29 (5.1) The funds appropriated to the Department of Health and Human Services in item (5) for the Rural Hospital  
 30 Transformation Plan may only be utilized for site improvements associated with a hospital transformation plan approved by the  
 31 Department of Health and Human Services.

32 (6) P240 Department of Natural Resources

33 Outreach Programs.....\$ 400,000

34 (7) P320 Department of Commerce

35 Military Base Task Force.....\$ 500,000

1	(8) E240 Office of Adjutant General	
2	SC Military Museum.....	\$ 660,000
3	(9) P320 Department of Commerce	
4	2015 Flood Non-CDBG Disaster Recovery.....	\$ 250,000
5	(10) U300 Division of Aeronautics	
6	Security System.....	\$ 100,000
7	(11) D100 State Law Enforcement Division	
8	(a) Counter Terrorism/Arson Equipment.....	\$ 448,000
9	(b) First Responder PTSD Treatment.....	\$ 500,000
10	(12) P280 Department of Parks, Recreation and Tourism	
11	Hurricane Matthew Revenue Loss.....	\$ 2,238,206
12	(13) P400 S.C. Conservation Bank	
13	Conservation Bank Trust.....	\$ 5,000,000
14	(14) H730 Department of Vocational Rehabilitation	
15	Lander Equestrian Center PTSD Pilot.....	\$ 200,000
16	(15) H750 School for the Deaf and the Blind	
17	Campus Facility Plan.....	\$ 150,000
18	(16) R400 Department of Motor Vehicles	
19	(a) Annual Leave Payouts.....	\$ 140,000
20	(b) Disaster Recovery Integration.....	\$ 500,000
21	(17) A170 Legislative Services	
22	IT Disaster Recovery.....	\$ 500,000
23	(18) H630 Department of Education	
24	GSAH Core Switch Replacement.....	\$ 60,000
25	(19) H710 Wil Lou Gray Opportunity School	
26	(a) Underground Utilities.....	\$ 100,000
27	(b) HVAC.....	\$ 80,000
28	(20) E200 Office of the Attorney General	
29	ICAC Equipment, Training, and Operations.....	\$ 150,000
30	(21) E240 Office of Adjutant General	
31	(a) Shaw Airforce Base/City of Sumter Main Gate Refurbishment.....	\$ 150,000
32	(b) SC State Guard Uniforms.....	\$ 100,000
33	(22) H870 State Library	
34	Building Maintenance.....	\$ 90,000
35	(23) R520 State Ethics Commission	
36	(a) Additional Office Space/Rent Increase.....	\$ 15,000

1	(b) New Administrative Assistants Operating Expenses .....	\$ 10,000
2	(24) H790 Department of Archives and History	
3	Conservation of South Carolina's Constitutions .....	\$ 200,000
4	(25) E240 Office of Adjutant General	
5	Youth Challenge POST Challenge .....	\$ 500,000
6	(26) Y140 State Ports Authority	
7	Jasper Ocean Terminal, Channel, and Supporting Infrastructure.....	\$ 1,000,000
8	(27) P280 Department of Parks, Recreation and Tourism	
9	Parks Recreation Development Fund .....	\$ 3,000,000
10	(28) P120 Forestry Commission	
11	Firefighter Safety and Public Protection Equipment .....	\$ 1,000,000
12	(29) E240 Office of Adjutant General	
13	2014 Winter Storm Local Matching Funds .....	\$ 1,677,193
14	(29.1) The funds appropriated to the Office of Adjutant General in item (29) for 2014 Winter Storm Local Matching Funds,	
15	shall be disbursed to eligible counties and municipalities to offset storm cleanup expenses associated with the 2014 Winter Storm	
16	during states of emergency declared by Executive Orders 2014-06 and 2014-11. A county or municipality is eligible for disbursement	
17	if the county or municipality was eligible for reimbursement by the Federal Emergency Management Agency (FEMA), but was not	
18	reimbursed due to local match requirements. The amount reimbursed to each eligible county or municipality shall not exceed more	
19	than thirty three percent of the county or municipality's remaining unreimbursed total non-federal aid share from the 2014 Winter	
20	Storm.	
21	(30) E240 Office of Adjutant General	
22	Town of Nichols Loan .....	\$ 1
23	(31) D100 State Law Enforcement Division	
24	(a) Forensics Equipment .....	\$ 1
25	(b) Alcohol Enforcement/Narcotics Equipment.....	\$ 1
26	(32) E280 Election Commission	
27	Refresh of Current Statewide Voting System .....	\$ 1

28 (C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended  
29 for the same purposes.

30 **118.14.** (SR: Lottery Reserve Trust Fund) **DELETED**

31 **118.15.** (SR: Nonrecurring Revenue) (A) *The source of revenue appropriated in subsection (B) is nonrecurring revenue*  
32 *generated from the following sources:*

33 *(1) \$16,567,887 from Fiscal Year 2017-18 Debt Service Lapse;*

34 *(2) \$4,119,137 from the Litigation Recovery Account;*

35 *(3) \$293,301 from Fiscal Year 2017-18 Capital Reserve Fund Lapse (Per SC Code 11-11-320); and*

36 *(4) \$59,803,017 from Fiscal Year 2018-19 Unobligated Debt Service.*

1 Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers  
 2 shall occur no later than thirty days after the close of the books on Fiscal Year 2017-18 and shall be available for use in Fiscal  
 3 Year 2018-19.

4 This revenue is deemed to have occurred and is available for use in Fiscal Year 2018-19 after September 1, 2018, following the  
 5 Comptroller General's close of the state's books on Fiscal Year 2017-18.

6 (B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item  
 7 must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially  
 8 funded in the order in which it appears to the extent that revenues are available.

9 The State Treasurer shall disburse the following appropriations by September 30, 2018, for the purposes stated:

10 (1) H630 - Department of Education

11 (a) Bus Lease..... \$ 2,527,812;

12 (b) Governor's School for the Arts and the Humanities Fire Protection Component Upgrade..... \$ 480,000;

13 (c) Governor's School for the Arts and the Humanities Core Switch Replacement..... \$ 65,000;

14 (2) P320 - Department of Commerce

15 (a) Deal Closing Fund..... \$ 3,500,000;

16 (b) Applied Research Centers..... \$ 500,000;

17 (c) Military Base Task Force..... \$ 600,000;

18 (d) Locate SC..... \$ 4,000,000;

19 (e) Economic Development Hubs and Community Development Infrastructure..... \$ 800,000;

20 (3) J020 - Department of Health and Human Services

21 Medical Contracts..... \$ 4,000,000;

22 (4) P120 - Forestry Commission

23 Firefighting Equipment..... \$ 1,000,000;

24 (5) J040 - Department of Health and Environmental Control

25 (a) Water Quality..... \$ 2,100,000;

26 (b) M.A.D. USA Men Against Domestic Violence..... \$ 150,000;

27 (c) SC Cervical Cancer Awareness Initiative..... \$ 130,000;

28 (6) E280 - Election Commission

29 Special Election Fund Recoupment..... \$ 650,000;

30 (7) H710 - Wil Lou Gray Opportunity School

31 Capital Improvements..... \$ 500,000;

32 (8) P240 - Department of Natural Resources

33 (a) Statewide Public Wildlife and Fisheries Management Projects..... \$ 1;

34 (b) Natural Resources Significant Sites Grant Program (Proviso 47.12)..... \$ 1,000,000;

35 (9) H210 - Lander University

36 Lander Equestrian Center PTSD Program..... \$ 1;

1	<u>(10) H910 - Arts Commission</u>	
2	<u>SC Children's Theatre.....</u>	<u>\$ 500,000;</u>
3	<u>(10.1) The funds appropriated to the Arts Commission above in item (10) for the SC Children's Theatre must be matched</u>	
4	<u>2:1 by the organization and the Arts Commission must verify that the organization has matched the funds prior to disbursement.</u>	
5	<u>(11) H790 - Department of Archives and History</u>	
6	<u>(a) Conservation of South Carolina's Constitutions.....</u>	<u>\$ 200,000;</u>
7	<u>(b) Charleston Library Society Beaux Arts Building .....</u>	<u>\$ 250,000;</u>
8	<u>(c) Historic Buildings Preservation.....</u>	<u>\$ 750,000;</u>
9	<u>(12) N120 - Department of Juvenile Justice</u>	
10	<u>Child Advocacy Centers.....</u>	<u>\$ 100,000;</u>
11	<u>(13) C050 - Administrative Law Court</u>	
12	<u>Technology Upgrades .....</u>	<u>\$ 80,000;</u>
13	<u>(14) N200 - Law Enforcement Training Council</u>	
14	<u>Criminal Justice Academy Clothing and Equipment for Expansion of Training.....</u>	<u>\$ 1;</u>
15	<u>(15) H950 - State Museum</u>	
16	<u>IT Equipment.....</u>	<u>\$ 69,000;</u>
17	<u>(16) B040 - Judicial Department</u>	
18	<u>Digital Recording (5 Court Rooms).....</u>	<u>\$ 220,000;</u>
19	<u>(17) E210 - Prosecution Coordination Commission</u>	
20	<u>Case Management System.....</u>	<u>\$ 1,600,000;</u>
21	<u>(18) D100 - State Law Enforcement Division</u>	
22	<u>(a) Forensics Equipment.....</u>	<u>\$ 26,000;</u>
23	<u>(b) First Responder PTSD Treatment.....</u>	<u>\$ 500,000;</u>
24	<u>(19) K050 - Department of Public Safety</u>	
25	<u>(a) Rifles for Highway Patrol.....</u>	<u>\$ 500,000;</u>
26	<u>(b) Local Law Enforcement Grants .....</u>	<u>\$ 1,500,000;</u>
27	<u>(20) N040 - Department of Corrections</u>	
28	<u>Security Systems and Equipment Repairs and Upgrades.....</u>	<u>\$ 3,050,590;</u>
29	<u>(21) H030 - Commission on Higher Education</u>	
30	<u>Statewide Higher Education Repair and Renovation Fund (Proviso 11.22).....</u>	<u>\$ 19,900,000;</u>
31	<u>(22) H180 - Francis Marion University</u>	
32	<u>(a) Medical and Health Education Classroom Complex.....</u>	<u>\$ 5,000,000;</u>
33	<u>(b) Honors College.....</u>	<u>\$ 2,100,000;</u>
34	<u>(23) L040 - Department of Social Services</u>	
35	<u>Florence Crittenton.....</u>	<u>\$ 150,000;</u>



1	<u>(24) P160 - Department Agriculture</u>	
2	<u>Statewide Agribusiness Infrastructure .....</u>	<u>\$ 210,000;</u>
3	<u>(25) P400 - S C Conservation Bank</u>	
4	<u>Conservation Bank Trust.....</u>	<u>\$ 1,500,000;</u>
5	<u>(26) R360 - Department of Labor, Licensing and Regulation</u>	
6	<u>Local Fire Department Grants.....</u>	<u>\$ 400,000;</u>
7	<u>(27) Y140 - State Ports Authority</u>	
8	<u>Jasper Ocean Terminal Port.....</u>	<u>\$ 2,000,000;</u>
9	<u>(28) E200 - Office of the Attorney General</u>	
10	<u>IT/Infrastructure Upgrades.....</u>	<u>\$ 400,000;</u>
11	<u>(29) P280 - Department of Parks, Recreation and Tourism</u>	
12	<u>(a) State Park Maintenance Needs.....</u>	<u>\$ 2,100,000;</u>
13	<u>(b) Parks and Recreation Development Fund.....</u>	<u>\$ 3,119,137;</u>
14	<u>(c) International African American Museum.....</u>	<u>\$ 5,000,000;</u>
15	<u>(d) Murrells Inlet Channel Clearing.....</u>	<u>\$ 300,000;</u>
16	<u>(e) Morris Island Lighthouse.....</u>	<u>\$ 175,000;</u>
17	<u>(29.1) The Department of Parks, Recreation, and Tourism is directed to transfer the funds appropriated above in item 29</u>	
18	<u>for the International African American Museum to the Department of Administration, Executive Budget Office which must hold</u>	
19	<u>such funds in a restricted account. Release of the funding shall be contingent upon documentation submitted by the City of</u>	
20	<u>Charleston certifying all necessary funds for project implementation are deposited in accounts of the City.</u>	
21	<u>The certification must include documentation that the financial plan of \$25 million from the City of Charleston and the County</u>	
22	<u>of Charleston combined is attained as cash deposits. Also, the certification must include documentation that the financial plan of</u>	
23	<u>\$25 million from private donations is attained as cash deposits.</u>	
24	<u>(30) D500 - Department of Administration</u>	
25	<u>(a) State-Owned Building Maintenance.....</u>	<u>\$ 2,000,000;</u>
26	<u>(b) Office of Veterans' Affairs - Low Country Veterans Group.....</u>	<u>\$ 25,000;</u>
27	<u>(31) E160 - Office of State Treasurer</u>	
28	<u>S.1067 Palmetto Trust Fund.....</u>	<u>\$ 3,000,000;</u>
29	<u>(32) E240 - Office of Adjutant General</u>	
30	<u>(a) Statewide Readiness Centers - Female Latrines (12).....</u>	<u>\$ 225,000;</u>
31	<u>(b) Standalone Kitchens.....</u>	<u>\$ 150,000;</u>
32	<u>(c) POV Parking Improvements.....</u>	<u>\$ 75,000;</u>
33	<u>(d) Infrastructure Improvements.....</u>	<u>\$ 325,000;</u>
34	<u>(33) R400 - Department of Motor Vehicles</u>	
35	<u>Act 40 of 2017 Implementation Costs .....</u>	<u>\$ 330,800; and</u>

1            (34) R600 - Department of Employment and Workforce  
2            Be Pro Be Proud ..... \$ 950,000;  
3            (C) Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended  
4            for the same purposes.

**END OF PART IB**

8            All acts or parts of acts inconsistent with any of the provisions of Part IA or Part IB of this act are suspended for Fiscal Year  
9            2018-19.

10           If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be  
11           unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the  
12           General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph,  
13           subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections,  
14           subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid,  
15           or otherwise ineffective.

16           Except as otherwise specifically provided, this act takes effect July 1, 2018.