

## 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 ~~\$2,220~~ \$2,350. For the current fiscal year, the total pupil count is projected to be ~~714,394~~ 723,953. The average per pupil funding is projected to be ~~\$5,536~~ \$5,827 state, ~~\$1,185~~ \$1,245 federal, and ~~\$5,371~~ \$5,542 local. This is an average total funding level of ~~\$12,092~~ \$14,210 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	<u>(E) Dual Credit Enrollment</u>	<u>0.15</u>

9 No local match is required for the additional weightings for personalized instruction in school year ~~2015-16~~ 2016-17. Charter  
 10 school per pupil calculations for locally sponsored charters will continue to be calculated according to Section 59-40-140 of the 1976  
 11 Code. Students may receive multiple weights for personalized instruction; however, within each weight, students should only be  
 12 counted once. These weights are defined below:

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

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

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

21 Students identified for dual credit enrollment must be identified in PowerSchool as taking a course that will lead to both high  
 22 school credit and post-secondary credit. Districts must assist students in accessing Lottery Tuition Assistance when applicable.

23 For the ~~2015-16~~ current school year, students in poverty will ~~continue to be defined as students eligible for free/reduced lunch~~  
 24 ~~and/or Medicaid~~ be identified using the USDA community eligibility criteria and will also include students eligible for Medicaid,  
 25 children classified as Transient, and children classified as Homeless. This definition shall also be used by the Revenue and Fiscal  
 26 Affairs Office. The Department of Education will continue to use counts from the 2013-14 school year to determine poverty funding  
 27 for the add on weighting. The department shall report on the effects USDA community certification have had on the ability for  
 28 individual districts to report their poverty rate no later than October 1, 2015, and shall provide recommendations on using poverty  
 29 data from the United States Census Bureau to calculate a district's poverty allocation in lieu of direct certification to the Governor,  
 30 the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

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

1 adjustments by June 30, ~~2016~~ 2017. The department must provide districts with technical assistance with regard to student count  
2 changes in PowerSchool.

3 **1.4.** (SDE: EFA - Formula) The amount appropriated in Part IA, Section 1 for “Education Finance Act” shall be the maximum  
4 paid under the provisions of Act 163 of 1977 (the South Carolina Education Finance Act of 1977) to the aggregate of all recipients.  
5 The South Carolina Education Department shall develop formulas to determine the state and required local funding as stipulated in  
6 the South Carolina Education Finance Act of 1977. Such formulas shall require the approval of the State Board of Education and  
7 the State Fiscal Accountability Authority. After computing the EFA allocations for all districts, the department shall determine  
8 whether any districts’ minimum required local revenue exceeds the districts’ total EFA Foundation Program. When such instance is  
9 found, the department shall adjust the index of taxpaying ability to reflect a local effort equal to the cost of the districts’ EFA  
10 Foundation Program. The districts’ weighted pupil units are to be included in determination of the funds needed for implementation  
11 of the Education Finance Act statewide.

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

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

23 **1.5.** (SDE: Employer Contributions/Allocations) It is the intent of the General Assembly that the appropriation contained herein  
24 for “Public School Employee Benefits” shall not be utilized to provide employer contributions for any portion of a school district  
25 employee’s salary that is federally funded.

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

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

32 **1.6.** (SDE: Employer Contributions/Obligations) In order to finalize each school district’s allocations of Employer Contributions  
33 funds for retiree insurance from the prior fiscal year, the Department of Education is authorized to adjust a school district’s allocation  
34 in the current fiscal year accordingly to reflect actual payroll and payments to the Retirement System from the prior fiscal year. In  
35 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 forty-  
22 five calendar days that a student from the nonresident district is receiving education services pursuant to the provisions of the proviso.  
23 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.

21 **1.9.** (SDE: Instruction in Juvenile Detention Centers) It shall be the responsibility of the school district where a local juvenile  
22 detention center is located to provide adequate teaching staff and to ensure compliance with the educational requirements of this  
23 State. Students housed in local juvenile detention centers are to be included in the average daily membership count of students for  
24 that district and reimbursement by the Department of Education made accordingly.

25 **1.10.** (SDE: Revenue Authorization) The State Department of Education is hereby authorized to collect, expend, and carry  
26 forward revenues in the following areas to offset the cost of providing such services: the sale of publications, manuals and forms,  
27 the sale of Apple Tags, royalties, contributions, donations, foundation funds, special grants and contracts, brochures, photo copies,  
28 listings and labels, Directory of South Carolina Schools, student health record cards, items to be recycled, and high school diplomas  
29 and certificates; the collection of out-of-state and in-state investigation fees, registration fees for non-SDE employees, recurring  
30 facility inspection fees, teacher certification fees; the handling of audio-visual film; the provision of contract computer services to  
31 school districts and other state agencies, joint broadcast service to school districts, and education-related statistics through agreement  
32 with the National Center for Education Statistics; the lease or sale of programs of television, audio or microcomputer software; the  
33 lease or sale of virtual courses to other states; the collection of damage fees for instructional materials and the sale of unusable  
34 instructional materials; sale of fuel; use and repair of transportation equipment; fees for Medicaid reimbursable transportation; the  
35 receipt of insurance and warranty payments on Department of Education equipment and the sale of used school buses and support  
36 equipment. The Department of Education is authorized to collect revenue for deposit into the State General Fund for testing material

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

5 **1.11.** (SDE: School District Bank Accounts) Each school district in this State, upon the approval of the district's governing  
6 body, may maintain its own bank account for the purpose of making disbursement of school district funds as necessary to conduct  
7 school district business and each county treasurer is hereby authorized to transfer such amount as needed, upon receipt of a written  
8 order certified by the district governing body or their designee. Such order shall contain a statement that such amount is for immediate  
9 disbursement for the payment of correct and legal obligation of the school district.

10 **1.12.** (SDE: School Lunch Program Aid) The amount appropriated herein for School Lunch Program Aid shall be divided among  
11 the District and/or County Boards of Education of the State upon the basis of the number of schools participating in the School Lunch  
12 Program in each district during the prior school year. The travel expenses of the District and/or County School Lunch Supervisor  
13 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  
14 improving the School Lunch Program. These funds may not be used to supplement the salaries of school lunch supervisors. In the  
15 absence of a County Board of Education in multi-district counties, the funds will be divided among the school districts of the county  
16 on the basis of the number of schools participating in the School Lunch Program in each district during the prior school year.

17 **1.13.** (SDE: Travel/Outside of Continental U.S.) School District allocations from General Funds, lottery, and EIA funds shall  
18 not be used for travel outside of the continental United States. The International Baccalaureate Program shall be exempt from this  
19 restriction.

20 **1.14.** (SDE: Year End Closeout) The State Department of Education is authorized to expend federal and earmarked funds (not  
21 including state or EIA funds) in the current fiscal year for expenditures incurred in the prior year; however, state funds appropriated  
22 in Part IA, Section 1, X, Aid to School Districts, for the Children's Case Resolution System or private placements for services  
23 provided to children with disabilities may be used for those expenditures in prior fiscal years. The department is also authorized to  
24 use appropriated funds to pay for textbooks shipped in the fourth quarter of the prior fiscal year.

25 **1.15.** (SDE: Transportation Collaboration) The Department of Education School Bus Maintenance Shops shall be permitted, on  
26 a cost reimbursable-plus basis, to deliver transportation maintenance and services to vehicles owned or operated by public agencies  
27 in South Carolina.

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

32 **1.16.** (SDE: School Bus Insurance) The Department of Education shall maintain comprehensive and collision insurance or self-  
33 insure state-owned buses. In no event shall the department charge local school districts for damages to the buses which are commonly  
34 covered by insurance.

35 **1.17.** (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the  
36 Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure

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

9 **1.18.** (SDE: School Building Aid) ~~Of the funds appropriated in Part IA for School Building Aid, \$500,000 shall be allocated on~~  
10 ~~a K-12 per pupil basis to Multi-District Area Vocational Schools.~~

11 **1.19.** (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 **1.20.** (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 **1.21.** (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 **1.22.** (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 **1.23.** (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 **1.24.** (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 **1.25.** (SDE: School Facilities Management System) ~~School Districts may use capital improvement bond funds, lapsed funds or~~  
4 ~~any other unexpended appropriated funds or revenues to access the Department of Education's School Facilities Management System~~  
5 ~~database.~~

6 **1.26.** (SDE: School Board Meetings) Of the funds appropriated through the Department of Education for technology related  
7 expenses, school districts that have a website shall place a notice of a regularly scheduled school board meeting twenty-four hours  
8 in advance of such meeting. The notice shall include the date, time, and agenda for the board meeting. The school district shall  
9 place the minutes of the board meeting on their website within ten days of the next regularly scheduled board meeting.

10 **1.27.** (SDE: Proviso Allocations) In the event an official General Fund revenue shortfall is declared by the Board of Economic  
11 Advisors, the Department of Education may reduce any allocation in Section 1 specifically designated by proviso in accordance with  
12 the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office, except the additional EFA  
13 allocation to the South Carolina Public Charter School District. The reduction may not be greater than the total percentage of  
14 reduction of the Section 1 appropriation. Should the department hold back funds in excess of the total percentage reduction those  
15 funds must be allocated per the proviso. No allocation for teacher salaries shall be reduced as a result of this proviso.

16 **1.28.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer  
17 and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds,  
18 and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure  
19 the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated specifically for  
20 state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance of effort  
21 requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for Career and  
22 Technology Education, nor required for debt service or bonded indebtedness. All school districts and special schools of this State  
23 may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except  
24 for four-year old programs and programs serving students with disabilities who have Individualized Education Programs.

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

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

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



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

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

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

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

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

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

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

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

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

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

1 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title  
2 30, the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of  
3 Education to exercise its authority to grant waivers under Regulation 43-261.

4 **1.29.** (SDE: Medical Examination and Security Reimbursement/Expenditures) From funds authorized in Part IA, Section 1,  
5 VII.B. Other Operating Expenses, the Department of Education may directly pay, or reimburse employees, for the cost of a medical  
6 examination as required in Part 391, Subpart E of the Federal Motor Carrier Safety Regulations, for employees that are required to  
7 operate a state vehicle transporting hazardous materials and that are required to undergo a national security background check because  
8 of the required Hazmat endorsement to their CDL.

9 **1.30.** (SDE: Budget Reduction) In compensating for any reduction in funding, local districts must give priority to preserving  
10 classroom teachers and operations. Funding reductions should first be applied to administrative and non-classroom expenses before  
11 classroom expenses are affected.

12 **1.31.** (SDE: Governor's School for the Arts and Humanities Carry Forward) Any unexpended balance on June thirtieth of the  
13 prior fiscal year of funds appropriated to or generated by the Governor's School for the Arts and Humanities may be carried forward  
14 and expended in the current fiscal year pursuant to the discretion of the Board of Trustees of the School.

15 **1.32.** (SDE: Governor's Schools' Fees) The South Carolina Governor's School for the Arts and Humanities and the South  
16 Carolina Governor's School for Science and Mathematics are authorized to charge, collect, expend, and carry forward student fees  
17 as approved by their respective Board of Directors. The purpose and amount of any such fees will be to maintain program quality in  
18 both academics and residential support. No student will be denied admittance or participation due to financial inability to pay. The  
19 respective Board of Directors shall promulgate administrative policy governing the collection of all student fees. Both schools shall  
20 conspicuously publish a fee schedule on their respective websites.

21 **1.33.** (SDE: School District Furlough) Should there be a midyear reduction in state funding to the districts, school districts may  
22 institute employee furlough programs for district-level and school-level professional staff. Before any of these employees may be  
23 furloughed, the chairman of the governing body of the school district must certify that all fund flexibility provided by the General  
24 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  
25 certification must include a detailed report by the superintendent of the specific action taken by the district to avoid a year-end deficit.  
26 The certification and report must be in writing and delivered to the State Superintendent of Education and a copy must be forwarded  
27 to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

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

1 administration. Educators who would have received a year's experience credit had a furlough not been implemented, shall not have  
2 their experience credit negatively impacted because of a furlough implementation.

3 During any furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except  
4 for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to,  
5 contributions to the South Carolina Retirement System or the optional retirement program, the district will be responsible for making  
6 both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only  
7 employee contributions, the employee remains solely responsible for making those contributions. Placement of an employee on  
8 furlough under this provision does not constitute a grievance or appeal under any employee grievance procedure. The district may  
9 allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within  
10 which the furlough occurs.

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

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

14 **1.34.** (SDE: School Lunch/Attendance Supervisors) For those counties in which an entity other than the school district  
15 administers the school lunch supervisor and/or attendance supervisor programs, the school districts in that county shall transfer to  
16 the entity the amount available in the previous fiscal year for administration of the school lunch supervisor and/or attendance  
17 supervisor programs. Each district shall transfer a pro rata share of the total cost based upon the percentage of state EFA funds  
18 distributed to the districts within the county.

19 **1.35.** (SDE: SCGSAH Certified Teacher Designation) Because of the unique nature of the South Carolina Governor's School  
20 for the Arts and Humanities, the Charleston School of the Arts, and the Greenville County Fine Arts Center, the schools are authorized  
21 to employ at its discretion noncertified classroom teachers teaching in the literary, visual and performing arts subject areas who are  
22 otherwise considered to be appropriately qualified in a ratio of up to one hundred percent of the entire teacher staff.

23 **1.36.** (SDE: No Discrimination Requirement) State funds must not be appropriated to a school that discriminates against or  
24 participates with or is a member of an association with policies that discriminate or afford different treatment of students based on  
25 race or national origin.

26 **1.37.** (SDE: Medicaid Cash Match Accounting) The department is granted authority to transfer funds between budget lines and  
27 object codes to identify, reconcile, reimburse, and remit funds required for Medicaid cash match to the Department of Health and  
28 Human Services.

29 **1.38.** (SDE: Student Report Card-GPA) For each high school student, school districts shall be required to print the student's  
30 individual cumulative grade point average for grades nine through twelve on the student's report card.

31 **1.39.** (SDE: Lost & Damaged ~~Textbook~~ *Instructional Materials* Fees) Fees for lost and damaged ~~textbooks~~ *instructional*  
32 *materials* for the prior school year are due no later than December first of the current school year when invoiced by the Department  
33 of Education. The department may withhold ~~textbooks~~ *instructional materials* funding from schools that have not paid their fees by  
34 the payment deadline.

35 **1.40.** (SDE: Education Finance Act Reserve Fund) There is created in the State Treasury a fund separate and distinct from the  
36 General Fund of the State and all other funds entitled the Education Finance Act Reserve Fund. All unexpended general funds

1 appropriated to the Department of Education for the Education Finance Act in the current fiscal year shall be transferred to the  
2 Education Finance Act Reserve Fund. In the event that the amount appropriated for the Education Finance Act is insufficient to fully  
3 fund the base student cost as established by this act, revenues from the Education Finance Act Reserve Fund may be used to  
4 supplement the funds appropriated. The General Assembly may make direct appropriations to this fund. All unexpended funds in  
5 the Education Finance Act Reserve Fund and any interest accrued by the fund must remain in the fund and may be carried forward  
6 into the current fiscal year.

7 **1.41.** (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from  
8 selling space for or the placement of advertisements on the outside or inside of state-owned school buses.

9 **1.42.** (SDE: Residential Treatment Facilities Student Enrollment and Funding) Each South Carolina resident of lawful school  
10 age residing in licensed residential treatment facilities (RTFs) for children and adolescents ~~as defined under~~ *identified on the State*  
11 *Qualified Providers list and meets the requirements of* Section 44-7-130 of the 1976 Code, (“students”) shall be entitled to receive  
12 educational services from the school district in which the RTF is located (“facility school district”). The responsibility for providing  
13 appropriate educational programs and services for these students, both with and without disabilities, who are referred, authorized, or  
14 placed by the State is vested in the facility school districts. For purposes of this proviso, an authorization must be pursuant to a  
15 physician’s determination of medical necessity. If clinically appropriate, the facility school district, the RTF, and the parent or  
16 guardian of a student referred or placed in a RTF may consider the appropriateness of providing the student’s education program  
17 virtually through enrollment in either the facility district’s virtual program, the South Carolina virtual school program provided  
18 through the Department of Education (Virtual SC), or a virtual charter school authorized by the South Carolina Public Charter School  
19 District, or a virtual charter school authorized by an approved institute of higher education. This decision should be made jointly  
20 with the best interest of the student and what is clinically indicated being considered.

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

34 The facility school districts are entitled to receive the base student cost multiplied by the Education Finance Act pupil weighting  
35 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.  
36 These funds may be retained by the facility school districts for the purpose of providing the educational programs and services

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

16 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  
17 for the educational services. The facility school district may choose to provide the educational program to the child and, upon  
18 choosing to do so, shall contract with the appropriate entity for payment of educational serviced provided to the child. Out-of-state  
19 students provided educational services by a facility school district shall not be eligible for funding through the Education Finance  
20 Act.

21 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  
22 school district may choose to provide the educational program to the child, and upon doing so, must negotiate with the resident  
23 school district for services through medical homebound procedures. A facility school district is responsible for compliance with all  
24 child find requirements under Section 504 of the Rehabilitation Act of 1973 and Individuals with Disabilities Act of 2004 (IDEA).

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

31 With respect to students enrolled in the facility school districts, for accountability purposes, the assessment and accountability  
32 measures for students residing in RTFs shall be attributed to a specific school only if the child physically attends the school. The  
33 performance of students residing in a RTF who receive their educational program on site at the RTF must be reflected on a separate  
34 line on the facility school district's report card and must not be included in the overall performance ratings of the facility school  
35 district. The Department of Education shall examine the feasibility of issuing report cards for RTFs. For the current fiscal year, a

1 facility school district shall not have the district's state accreditation rating negatively impacted by deficiencies related to the delivery  
2 of an educational program at a RTF.

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

10 **1.43.** (SDE: Special Schools Flexibility) For the current fiscal year, the special schools are authorized to transfer funds among  
11 funding categories, including capital funds.

12 **1.44.** (SDE: High School Driver Education) For the current fiscal year, the requirement for high schools to provide a course in  
13 driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so.

14 **1.45.** (SDE: Carry Forward Authorization) For the current fiscal year, the Department of Education is authorized to carry forward  
15 and expend any General Fund balances for school bus transportation.

16 **1.46.** (SDE: Administrative Costs Report Posting) School districts must report the amount of funds spent on administrative  
17 costs, as defined by InSight in the prior fiscal year and post the report on the districts website. School districts shall provide an  
18 electronic copy of this report to the Department of Education in conjunction with the financial audit report required by Section 59-  
19 17-100, of the 1976 Code. If a district fails to meet these requirements they must be notified in writing by the department that the  
20 district has sixty days to comply with the reporting requirement. If the district does not report within sixty days, the department is  
21 authorized to reduce the district's base student cost by one percent until such time as the requirement is met. Once in compliance,  
22 any funds withheld will be returned to the district.

23 **1.47.** (SDE: Governor's Schools Residency Requirement) Of the funds appropriated, the Governor's School for the Arts and the  
24 Humanities and the Governor's School for Science and Mathematics are to ensure that a parent(s) or guardian(s) of a student attending  
25 either the Governor's School for the Arts and the Humanities or the Governor's School for Science and Mathematics must prove that  
26 they are a legal resident of the state of South Carolina at the time of application and must remain so throughout time of attendance.  
27 The Governor's School for the Arts and the Humanities and Governor's School for Science and Mathematics may not admit students  
28 whose parent(s) or guardian(s) are not legal residents of South Carolina.

29 **1.48.** (SDE: Holocaust Funds) Funds appropriated to the Department of Education for the SC Council on Holocaust shall not be  
30 used for any other purpose nor transferred to any other program. In addition, in the event the department is required to implement a  
31 budget reduction, SC Council on Holocaust funds may not be reduced.

32 **1.49.** (SDE: Governor's Schools Capacity) ~~For the current fiscal year, funds appropriated to the Governor's School for the Arts  
33 and Humanities and the Governor's School for Science and Mathematics must be used to bring the schools up to full capacity, to the  
34 extent possible. Each school must report electronically to the Chairman of the Senate Finance Committee and the Chairman of the  
35 House Ways and Means Committee by December first how the funds have been utilized and how many additional students have  
36 been served.~~

1       **1.50.** (SDE: Student Health and Fitness) Funds appropriated for Student Health and Fitness shall be allocated to school districts  
2 to increase the number of physical education teachers to the extent possible and to provide licensed nurses for elementary public  
3 schools. Twenty-seven percent of the funds shall be allocated to the districts based on average daily membership of grades K-5 from  
4 the preceding year for physical education teachers. The remaining funds will be made available ~~through a grant program~~ for school  
5 nurses and shall be distributed to the school districts on a per school basis. Schools that provide instruction in grades K-5 are eligible  
6 to apply for the school nurse ~~grant program~~ funds.

7       **1.51.** (SDE: Impute Index Value) For the current fiscal year and for the purposes of calculating the index of taxpaying ability  
8 the Department of Revenue shall impute an index value for owner-occupied residential property qualifying for the special four  
9 percent assessment ratio by adding the second preceding taxable year total school district reimbursements for Tier 1, 2, and Tier 3(A)  
10 and not to include the supplement distribution. The Department of Revenue shall not include sales ratio data in its calculation of the  
11 index of taxpaying ability. The methodology for the calculations for the remaining classes of property shall remain as required  
12 pursuant to the EFA and other applicable provisions of law.

13       **1.52.** (SDE: EFA State Share) A school district that does not recognize a State share of the EFA financial requirement shall be  
14 supplemented with an amount equal to seventy percent of the school district with the least State financial requirement.

15       **1.53.** (SDE: Health Education) Each school district is required to ensure that all comprehensive health education, reproductive  
16 health education, and family life education conducted within the district, whether by school district employees or a private entity,  
17 must utilize curriculum that complies with the provisions contained in Chapter 32, Title 59. Each district shall publish on its website  
18 the title and publisher of all health education materials it has approved, adopted, and used in the classroom. Any person may  
19 complain in a signed, notarized writing to the chairman of the governing board of a school district that matter not in compliance with  
20 the requirements of Chapter 32, Title 59 is being taught in the district. Upon receiving a notarized complaint, the chairman of the  
21 governing board must ensure that the complaint is immediately investigated and, if the complaint is determined to be founded, that  
22 immediate action is taken to correct the violation. If corrective action is not taken, ~~then the district must have its base student cost~~  
23 ~~reduced by one percent~~ within 30 days of such a determination, or if no investigation is made within 30 days of the chairman's receipt  
24 of the notarized statement, then the complainant may within 30 calendar day, give written notice to the department. The notice must  
25 include the original notarized complaint. If, upon investigation, the department determines that the district has not taken appropriate  
26 immediate action to correct a violation, then the Department of Education is noncompliant with mandated health education, the  
27 department shall withhold one percent of the district's funds allocated in Part IA, Section 1, X - Student Health and Fitness Act until  
28 the department determines the district is in compliance.

29       **1.54.** (SDE: Bus Lease/Purchase) The Department of Education is permitted to purchase or lease school buses in order to  
30 continue replacement of the state's school bus fleet.

31       **1.55.** (SDE: Felton Lab Allocation) ~~Of the funds distributed pursuant to the Education Finance Act, the Felton Laboratory~~  
32 ~~School at South Carolina State University shall receive each year, seventy percent of the funds it would have received for that year~~  
33 ~~under the Education Finance Act and under aid to school districts fringe benefits, as if it were a special school district. The calculation~~  
34 ~~of the amount of funds which the Felton Laboratory School is entitled to receive each year shall be made by the Department of~~  
35 ~~Education.~~

1       **1.56.** (SDE: Lee County Bus Shop) From the funds appropriated in program VII.B. Bus Shops, in the current fiscal year, the  
2 department must fund the Lee County School District Bus Shop and the Kershaw County School District Bus Shop at the same level  
3 as they were funded in the previous fiscal year.

4       **1.57.** (SDE: School Enrollment Policy) For the current fiscal year, any school district with an open enrollment policy for all  
5 schools or certain schools which had previously accepted certain students residing outside of the district to an academic magnet  
6 school in the district must continue to accept these students and their siblings for enrollment at the academic magnet school under  
7 the same terms and conditions these students were previously permitted to attend the school.

8       **1.58.** (SDE: District Funding Flexibility) For the current fiscal year, districts must utilize funding flexibility provided herein to  
9 ensure that district approved safety precautions are in place at every school.

10       **1.59.** (SDE: Transportation Maintenance Facilities) For the current fiscal year, a school district wishing to include school bus  
11 maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the  
12 department releases the school district to include school bus maintenance in the private vendor contract.

13       **1.60.** (SDE: School District Activity Bus Advertisements) School Districts may sell commercial advertising space on the outside  
14 or inside of district owned activity buses. However, as defined and determined by the local school board, a school district may not  
15 sell such commercial advertising if the advertisement promotes a political candidate, ideology, or cause, a product that could be  
16 harmful to children, or a product that appeals to the prurient interest. Revenue generated from the sale of commercial advertising  
17 space shall be retained by the school district.

18       **1.61.** (SDE: School District Property) The requirements of Section 59-19-250 of the 1976 Code, as amended, which requires  
19 the consent of a governing board of a county in order for school trustees to sell or lease school property whenever they deem it  
20 expedient to do so are suspended for the current fiscal year.

21       **1.62.** (SDE: Full-Day 4K) ~~For the current school year, eligible~~ *Eligible* students residing in a school district ~~with a poverty index~~  
22 ~~of seventy percent or greater may participate~~ *that met the poverty level for participation in the prior school year are eligible to*  
23 *participate* in the South Carolina Early Reading Development and Education Program *in the current school year*. Public and private  
24 providers will be reimbursed for instructional costs at a rate of ~~\$4,218~~ *\$4,323* per student enrolled. Eligible students enrolling during  
25 the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their enrollment.  
26 Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of ~~\$550~~ *\$564* per eligible  
27 child transported. All providers who are reimbursed are required to retain records as required by their fiscal agent. New providers  
28 participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be eligible to receive  
29 up to \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such children eligible for funding  
30 not to exceed \$10,000. Providers receiving equipment funding are expected to participate in the program and provide high-quality,  
31 center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider  
32 to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to  
33 School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the  
34 Office of First Steps.

35       Of the funds appropriated, \$300,000 shall be allocated to the Education Oversight Committee to conduct an annual evaluation of  
36 the South Carolina Child Development Education Pilot Program and to issue findings in a report to the General Assembly by January



1 fifteenth of each year. To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both  
2 public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the  
3 program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of  
4 Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of  
5 Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-  
6 old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of  
7 data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and  
8 all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment  
9 of student success in the early elementary grades.

10 **1.63.** (SDE: Summer Reading Camps) For the current fiscal year, funds appropriated for summer reading camps must be  
11 allocated as follows: (1) up to twenty percent to the Department of Education to provide bus transportation for students attending  
12 the camps; (2) \$700,000 allocated to the department to provide ~~grants~~ funding to the South Carolina Afterschool Alliance to support  
13 community partnerships whereby community organizations ~~would collaborate~~ shall partner with local school districts to provide  
14 enrichment activities as part of after school programs or summer reading camps that utilize volunteers, mentors or tutors to provide  
15 instructional support to struggling readers in elementary schools that have a poverty index of ~~fifty~~ forty percent or greater. All  
16 volunteers, mentors and tutors that are a part of these after school programs or summer reading camps must have passed a SLED  
17 criminal background check. Participant to volunteer or teacher ratio must conform to that of the school district in which the program  
18 is located. Of the funds allocated, not more than ten percent may be retained by the South Carolina After School Alliance for  
19 administration to include technical assistance and training. The South Carolina Afterschool Alliance must submit planning  
20 documents as prescribed by the department by September 15 of the current fiscal year. Upon approval of the plans, the department  
21 shall allocate the funding within 15 days. The Education Oversight Committee will document and evaluate the partnerships and the  
22 impact of the partnerships on student academic success and make recommendations on the characteristics of effective partnerships  
23 and on methods of duplicating effective partnerships throughout the state; and (3) the remainder on a per pupil allocation to each  
24 school district based on the number of students who substantially failed to demonstrate third-grade reading proficiency as indicated  
25 on the prior year's state assessment as defined by Section 59-155-120 (10) of the 1976 Code. Summer reading camps must be at  
26 least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent  
27 minimum hours of instruction in the summer. School transportation shall be provided. The camps must be taught by compensated  
28 teachers who have at least an add-on literacy endorsement or who have documented and demonstrated substantial success in helping  
29 students comprehend grade-level texts. The Department of Education shall assist districts that cannot find qualified teachers to work  
30 in the summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more  
31 districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries,  
32 institutions of higher learning, community organizations, faith-based institutions, businesses, pediatric and family practice medical  
33 personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer  
34 reading camps. In the current school year, any student in third grade who substantially fails to demonstrate third-grade reading  
35 proficiency by the end of the school year must be offered the opportunity to attend a summer reading camp at no cost to the parent  
36 or guardian. The purpose of the reading camp is to provide students who are significantly below third-grade reading proficiency

1 with the opportunity to receive quality, intensive instructional services and support. A district may also include in the summer  
2 reading camps students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the  
3 summer reading camps based on a sliding scale pursuant to Section 59-19-90, except where a child is found to be reading below  
4 grade level in the first, second or third grade. A parent or guardian of a student who does not substantially demonstrate proficiency  
5 in comprehending texts appropriate for his grade level must make the final decision regarding the student's participation in the  
6 summer reading camp.

7 **1.64.** (SDE: Interscholastic Athletic Association Dues) A public school district supported by state funds shall not use any funds  
8 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 support  
9 any interscholastic athletic association, body, or entity unless the constitution, rules, or policies of the association, body, or entity  
10 contain the following:

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

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

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

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

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

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

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

35 (5) provisions, implemented within one year after the effective date of this section, that require the composition of the executive  
36 committee of the association, body, or entity be geographically representative of this State.

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

4 **1.65.** (SDE: Governor's Schools Informational Access to Students) For the current fiscal year, school districts must permit both  
 5 the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics to collaborate with  
 6 individual schools and their staff to share information with students and families about the educational opportunities offered at the  
 7 respective Governor's Schools, through avenues including school visits, informational presentations, and posters. By June 30, ~~2015~~  
 8 2016, the Governor's School for the Arts and Humanities and the Governor's School for Science and Mathematics must report to the  
 9 Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the results of these  
 10 Informational Access efforts. Further, the two Governor's Schools will work with districts, the Department of Education and School  
 11 Report Card administrators, to ensure that SAT scores of current Governor's Schools' students are included in the School Report  
 12 Card of those students' resident schools and districts.

13 **1.66.** (SDE: ~~Reading~~ Literacy Coaches) (A) Funds appropriated for ~~Reading~~ Literacy Coaches must be allocated to school  
 14 districts by the Department of Education as follows:

15 (1) for each elementary school in which twenty percent or more of the students scored ~~Not Met~~ below proficient on the  
 16 reading and research test in the most recent year for which such data are available, the school district shall be eligible to receive the  
 17 lesser of either up to \$62,730 or the actual cost of salary and benefits for a full-time ~~reading~~ literacy coach; and

18 (2) for each elementary school in which fewer than twenty percent of the students scored ~~Not Met~~ below proficient on the  
 19 reading and research test during the same period, the school district shall be eligible to receive the lesser of either up to \$31,365 or  
 20 fifty percent of the actual cost of salary and benefits for a full-time ~~reading~~ literacy coach. A school district must provide local  
 21 support for state funds provided under this paragraph. School districts may use existing local funds currently used for reading  
 22 assistance as the local support.

23 (B) By accepting these funds, a school district warrants that they will not be used to supplant existing school district expenditures,  
 24 except for districts that either are currently, or in the prior fiscal year, were paying for ~~reading coaches~~ literacy coaches with local  
 25 funds. A district may, however, assign a ~~reading~~ literacy coach to a primary school rather than to the elementary school to improve  
 26 the early literacy skills of young children.

27 (C) Funds appropriated for ~~Reading Coaches~~ Literacy coaches are intended to be used to provide elementary schools with ~~reading~~  
 28 literacy coaches, who shall serve as job-embedded, stable resources for professional ~~development~~ learning opportunities throughout  
 29 schools in order to generate improvement in reading and literacy instruction and student achievement. ~~Reading coaches~~ Literacy  
 30 coaches shall support and provide initial and ongoing professional ~~development~~ learning opportunities to teachers based on an  
 31 analysis of ~~student assessment and data~~, the provision of differentiated instruction, and intensive ~~intervention~~ interventions. ~~The~~  
 32 ~~reading coach shall~~ Schools and districts accepting funding to support a coaching position agree to the following:

33 (1) Literacy coaches shall model effective instructional strategies for teachers ~~by working weekly with students in whole,~~  
 34 ~~and small groups, or individually;~~

35 (2) Literacy coaches shall facilitate ~~study groups~~ professional learning opportunities for educators and leadership teams  
 36 through work with students in demonstration lessons by modeling instructional strategies;

- 1           (3) Literacy coaches shall train teachers in data analysis and using data to ~~differentiated~~ differentiate instruction;
- 2           (4) Literacy coaches shall ~~coaching and mentoring~~ coach and mentor colleagues;
- 3           (5) Literacy coaches shall work with teachers to ensure that ~~research~~ evidence-based reading ~~programs~~ strategies are
- 4 implemented with fidelity;
- 5           (6) ~~work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for~~
- 6 ~~those teachers, activities, and roles~~ Literacy coaches shall coordinate literacy and instructional strategies across the school that will
- 7 have the greatest impact on student achievement, ~~namely coaching and mentoring in the classrooms~~ at both the school and district
- 8 level;
- 9           (7) Literacy coaches shall help lead and support ~~reading~~ literacy leadership teams; ~~and~~,
- 10          (8)

11          (D) The reading literacy coach must not be assigned a regular classroom teaching assignment, must not serve ~~as~~ as an

12 administrator, must not perform administrative functions that deter from the flow of improving reading instruction and reading

13 performance of students, and must not devote a significant portion of his or her time to administering or coordinating assessments.

14 School districts may utilize literacy coaches as interventionists as included in the district reading plan and when supported by

15 assessment data showing the district reading plan is improving literacy.

16          (D E) ~~No later than February 1, 2016, the~~ The Department of Education must publish guidelines that define the minimum

17 qualifications for a reading literacy coach for ~~Fiscal Year 2015-16~~. These guidelines must deem any licensed/certified teacher

18 qualified if, at a minimum, he or she:

- 19           (1) holds a bachelor's degree or higher and an add-on endorsement for literacy coach or literacy specialist; ~~;~~ or
- 20           (2) holds a bachelor's degree or higher and is actively pursuing the literacy coach or literacy specialist endorsement; or
- 21           (3) holds a master's degree or higher in reading or a closely-related field.

22          Within these guidelines, the Department of Education must ~~also establish a process for Fiscal Year 2015-16 through which an~~

23 ~~elementary school may be permitted to use some or all of the allocation granted under subsection (A) in order to obtain in-school~~

24 ~~reading coaching services from a department approved consultant or vendor,~~ assist districts in identifying a literacy coach in the

25 event that the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A),

26 including the local support requirements, shall also apply to any allocations made pursuant to this paragraph.

27          (E F) The Department of Education must develop procedures for monitoring the use of funds appropriated for ~~Reading Coaches~~

28 literacy coaches to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of

29 Education may receive up to \$100,000 of the funds appropriated for ~~Reading Coaches~~ literacy coaches in order to implement this

30 program, provided that this allocation does not exceed the department's actual costs.

31          (F G) Prior to the close of the current fiscal year, any ~~remaining unspent or unallocated~~ funds for ~~Reading Coaches,~~ literacy

32 coaches ~~but no more than \$5,000,000, shall be distributed by the Department of Education among the school districts containing~~

33 ~~elementary or primary schools that were eligible for and which elected to receive funding under subsection (A)(1) of this proviso;~~

34 ~~these funds shall be distributed in proportion to these districts' relative shares of students who scored Not Met on the research and~~

35 ~~reading test in the most recent year for which such data are available~~ used to fund Summer Reading. Funds distributed under this

1 subsection must be used exclusively to support reading-related professional development opportunities for teachers that lead to the  
2 literacy add-on endorsement.

3 (~~G~~ H) The Department of Education shall require:

4 (1) any school district receiving funding under subsection (A) to identify the name and qualifications of the supported  
5 reading literacy coach; as well as the school in which the coach is assigned along with the rationale for how the school selection was  
6 made; and

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

8 (~~H~~ I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on  
9 the hiring of and assignment of reading literacy coaches by school and on the expenditure of professional development funds for  
10 opportunities for teachers to earn the literacy endorsement. The department shall also report the amount of funds that will be carried  
11 forward *used for Summer Reading Camps*.

12 (~~I~~ J) Funds appropriated for ~~Reading Coaches~~ literacy coaches shall be retained and carried forward to be used for the same  
13 purpose but may not be flexed.

14 (~~J~~ K) For Fiscal Year ~~2015-16~~ 2016-17, if increased funding for reading literacy coaches is not sufficient to provide additional  
15 reading literacy coaches at each elementary school then the funding must be targeted to the areas of greatest need based on the  
16 number of students substantially failing to demonstrate reading proficiency as indicated on the prior year's state assessment.

17 **1.67.** (SDE: Charter School Transition Funds) For Fiscal Year ~~2015-16~~ 2016-17, charter schools sponsored by a local school  
18 district must receive transition funds from the local district or statewide transition funds available in an amount equal to any reduction  
19 in funds received by the school due to the changes in the Education Finance Act formula. In order to receive funds from the statewide  
20 transition funds, the charter school must report the amount of funds required to the department through the authorizing district. The  
21 department shall allocate the transition funds to the district which then shall allocate the funds to the school. If the amount of  
22 transition funds for the charter schools exceeds transition funds available, then funds will be reduced pro rata for all parties.

23 **1.68.** (SDE: Sports Participation) Any school receiving state funds shall be required to allow a military dependent student who  
24 has transferred from their resident school district to another school district to participate in a sport that was not offered in the resident  
25 school district. Should a school fail to comply with this provision, the Department of Education shall withhold one percent of their  
26 total state allocation.

27 **1.69.** (SDE: Graduation Rates) For the current fiscal year, if a high school has a graduation rate below sixty percent, using  
28 appropriated funds a local school district board of trustees must provide a report detailing a plan to increase the graduation rate in  
29 accordance with the provisions of the Education Accountability Act to the State Board of Education.

30 **1.70.** (SDE: South Carolina Community Block Grants for Education Pilot Program) There is created the South Carolina  
31 Community Block Grants for Education Pilot Program. The purpose of this matching grants program is to encourage and sustain  
32 partnerships between a community and its local public school district or school for the implementation of innovative, state-of-the-art  
33 education initiatives and models to improve student learning. The initiatives and models funded by the grant must be well designed,  
34 based on strong evidence of effectiveness, and have a history of improved student performance.

35 The General Assembly finds that the success offered by these initiatives and programs is assured best when vigorous community  
36 support is integral to their development and implementation. It is the intent of this proviso to encourage public school and district

1 communities and their entrepreneurial public educators to undertake state-of-the-art initiatives to improve student learning and to  
2 share the results of these efforts with the state's public education community.

3 As used in this proviso:

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

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

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

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

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

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

20 (2) a demonstrated ability to meet the match throughout the granting period;

21 (3) a demonstrated ability to implement the initiative or model as set forth in the application; and

22 (4) an explanation of the manner in which the initiative supports the district's or school's strategic plan required by Section  
23 59-18-1310 of the 1976 Code.

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

25 (1) a comprehensive plan to examine delivery implementation and measure impact of the model;

26 (2) a report on implementation problems and successes and impact of the innovation or model; and

27 (3) evidence of support for the project from the school district administration when an individual school applies for a grant.

28 The match required from a grant recipient is based on the poverty of the district or school. No matching amount will exceed more  
29 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  
30 in-kind donations, such as technology, to be further defined by the grants committee. Public school districts and schools that have  
31 high poverty and low achievement will receive priority for grants when their applications are judged to meet the criteria established  
32 for the grant program.

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

35 The Education Oversight Committee will review the grantee reports and examine the implementation of the initiatives and models  
36 to understand the delivery of services and any contextual factors. The Oversight Committee will then highlight the accomplishments

1 and common challenges of the initiatives and models funded by the Community Block Grant for Education Pilot Program to share  
2 the lessons learned with the state's public education community.

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

10 **1.71.** (SDE: Board of Education Funds) For the current fiscal year, the Department of Education is authorized to carry forward  
11 funds appropriated in Part IA, Section 1, II. Board of Education. The State Board of Education is permitted to utilize these funds for  
12 innovative educational opportunities and projects. The Board of Education shall develop guidelines and publish them on the board's  
13 website.

14 **1.72.** (SDE: Proceeds from Sale of Bus Shop & Boat) For the current fiscal year the Department of Education is authorized to  
15 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  
16 purposes.

17 **1.73.** (SDE: Transition Funds to Districts) ~~Funds appropriated in Part IA, Section 1, X. Aid to School Districts, A. Aid to School~~  
18 ~~Districts, EFA Transition Payments, are to be distributed to school districts eligible to receive transition funds. The funds will be~~  
19 ~~disbursed in an amount equal to the net aggregate decrease in funding realized by a district as a result of changes to the EFA funding~~  
20 ~~formula.~~

21 ~~(A) Districts eligible for transition payments in the prior fiscal year are eligible to receive one half of the transition payment~~  
22 ~~received in Fiscal Year 2014-15, subject to the limitations of item (B) of this section.~~

23 ~~(B) School districts are not eligible to receive transition funds for the portion of a net funding decrease resulting from a decrease~~  
24 ~~in district ADM from the prior to the current fiscal year.~~

25 ~~(C) If the amount of transition payments for all school districts exceeds the availability of funds appropriated for this purpose,~~  
26 ~~each entity receiving funds shall have their allocation reduced pro rata.~~

27 **1.74.** (SDE: First Steps 4K Technology) During the current fiscal year, South Carolina Office of First Steps to School Readiness  
28 is authorized to expend up to \$75,000 from the four-year-old kindergarten carry forward funds to purchase electronic devices for the  
29 administration of ~~early literacy and language development~~ *required school readiness* assessments to children enrolled in the full-day  
30 4K program in private centers in the current fiscal year. The State Office of First Steps may purchase one device, which would be  
31 the property of the Office of First Steps, for every ten centers serving children in the program. The regional coordinators who provide  
32 support to the centers shall coordinate the usage of the devices among the centers. First Steps shall provide a report documenting its  
33 technology and materials expenditures to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
34 Means Committee no later than January 15, ~~2016~~ 2017.

35 **1.75.** (SDE: Teacher Salary Schedule Structure) The Department of Education shall convene stakeholders to include: Palmetto  
36 State Teachers Association, South Carolina School Business Officials, South Carolina Association of School Administrators, South

1 Carolina School Boards Association, South Carolina Education Association, and the Education Oversight Committee to examine  
2 and make recommendations regarding changes to the statewide minimum state teacher salary schedule to include extending the steps  
3 on the state teacher salary schedule; an examination of the beginning teacher salary; and an examination of each district's salary  
4 schedule structure. *The department shall also include information from each of the districts who are, or were, the original trial and*  
5 *plaintiff school districts in the Abbeville law suit regarding salary needs in those districts.* Recommendations shall be provided to  
6 the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee ~~by November 15, 2015.~~

7 **1.76.** (SDE: Teacher Certification Exemption) For the current fiscal year, a teacher certified at the secondary level may teach  
8 such courses in grades seven through twelve without having the add on certification for middle-level education. Districts must report  
9 to the Department of Education and the Center for Educator Recruitment Retention and Advancement on the teachers and courses  
10 that utilize this exemption.

11 **1.77.** (SDE: Digital Instructional Materials) The Department of Education shall create an instructional materials list composed  
12 of those items (print and/or digital) that have received State Board of Education approval through the normal adoption process. The  
13 department shall continue to work with the publishers of instructional materials to ensure that districts who wish to receive both the  
14 digital version and class sets of textbooks may be awarded that option. Funds appropriated for the purchase of textbooks and other  
15 instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science kits on the state-adopted  
16 textbook inventory, purchasing new kits from the central textbook depository, or a combination of refurbishment and purchase. The  
17 refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a reasonable amount for shipping and  
18 handling. Costs for staff development, personnel costs, equipment, or other costs associated with refurbishing kits on state inventory  
19 are not allowable costs. Funds provided for Instructional Materials may be carried forward from the prior fiscal year into the current  
20 fiscal year to be expended for the same purposes by the department, school districts, and special schools. These funds are not subject  
21 to flexibility. Digital Instructional Materials shall include the digital equivalent of materials and devices.

22 **1.78.** (SDE: Transition Funds to Districts) ~~For the current fiscal year, the department must transfer any unexpended funds~~  
23 ~~appropriated for EFA Transition to the EFA for disbursement to districts per the formula.~~

24 **1.79.** (SDE: CDEPP Unexpended Funds) For Fiscal Year ~~2015-16~~ 2016-17, the Office of First Steps to School Readiness is  
25 ~~directed~~ permitted to retain the first \$2,000,000 of any unexpended CDEPP funds ~~from~~ of the prior fiscal year and expend these funds  
26 to enhance the quality of the full-day 4K program in private centers and provide professional development opportunities. *If by August*  
27 *15th, school districts eligible to receive full-day 4K funding opt to not participate in the program, the Department of Education is*  
28 *authorized to utilize unexpended funds to increase participation on a per pupil basis for districts eligible for participation who have*  
29 *a documented waiting list. The per pupil allocation must conform with the appropriated amount contained in this Act.* No later than  
30 April 1, ~~2016~~ 2017, the Office of First Steps must report to the Chairman of the Senate Finance Committee and the Chairman of the  
31 House Ways and Means Committee on the expenditure of these funds to include the following information: the amount of money  
32 used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money used for professional  
33 development as well as the types of professional development offered and the number of participants.

34 ~~By August 1, the Office of First Steps is directed to allocate any unexpended CDEPP funds from the prior fiscal year and any~~  
35 ~~CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the purposes:~~

- 36 1. ~~Department of Education~~ \$4,250,000 for full day 4K; and



1       ~~2. Education Oversight Committee —\$2,000,000 for the South Carolina Community Block Grants for Education Pilot Program.~~  
2       ~~If carry forward funds are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata~~  
3       ~~basis.~~

4       ~~If any funds are remaining, they shall be transferred to the Department of Education to be expended only on full day 4K.~~

5       **1.80.** (SDE: Literacy Initiatives) ~~In the current fiscal year, the Department of Education shall evaluate the several state literacy~~  
6       ~~initiatives to ensure that each are working together to ensure that students are best served. The evaluation shall include initiatives in~~  
7       ~~early childhood through high school as well as professional development.~~

8       **1.81.** (SDE: Technology Technical Assistance) Of the funds appropriated for the K-12 Technology Initiative, the department is  
9       authorized to withhold up to \$350,000 in order to provide technology technical assistance to school districts.

10       **1.82.** (SDE: First Steps Accountability) Based on the need for stated intervention by the US Department of Education Office of  
11       Special Education and Rehabilitative Services (OSEP) in implementing Part C of the Individuals with Disabilities Education Act  
12       (IDEA), the Office of First Steps to School Readiness must meet federal compliance for the Part C program. Additionally, the Office  
13       of First Steps to School Readiness shall report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways  
14       and Means Committee, and the Governor the specific steps, timeline and progress made in improving meeting compliance standards  
15       its performance for those indicators with which the office was scored as being low performing. The report must include a statement  
16       regarding whether the additional employees authorized by this act are sufficient for compliance. The report shall also include any  
17       correspondence from the US Department of Education concerning the progress made on federal compliance with OSEP state  
18       standards. The report must be submitted no later than December 31, ~~2015~~ 2016. From the funds appropriated for BabyNet, the  
19       Office of First Steps to School Readiness may expend the funds necessary to meet the requirements of this proviso.

20       **1.83.** (SDE: Health Education Materials) ~~From the funds allocated to each school district, each district shall publish on its~~  
21       ~~website the title and publisher of all health education materials it has approved, adopted, and used in the classroom. If the Department~~  
22       ~~of Education determines that a school district is noncompliant with mandated health education, the department shall withhold one~~  
23       ~~percent of the district's funds allocated in Part 1A, Section 1, X. Student Health and Fitness Act until the department determines the~~  
24       ~~district is in compliance.~~

25       **1.84.** (SDE: Data Maintenance and Collection) For the current fiscal year and from the funds appropriated to the department for  
26       the collection and maintenance of data, personally identifiable information of teacher candidates and teachers collected and  
27       maintained by the Department of Education shall be treated as personnel records and shall not be subject to public disclosure.

28       **1.85.** (SDE: Teacher Employment) Of the funds appropriated in the current fiscal year, a local school district superintendent or  
29       his designee shall provide a teacher with notice of dismissal and an opportunity for a hearing before the local board or its designee.  
30       Further, a local board may authorize a South Carolina licensed, practicing attorney to serve as hearing officer to conduct a hearing  
31       on the matter and make a report of its recommendations to the board within forty-five days after receipt of notice of appeal. A  
32       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  
33       and recommendations of the hearing officer must be presented to the board in the form of a written order. In considering the report  
34       and recommendations, the board must have available to it the exhibits presented at the hearing and shall permit limited oral argument  
35       on behalf of the district and the teacher, allowing each party thirty minutes to present its respective argument. The board shall uphold  
36       the decision of the hearing officer if the evidence shows good and just cause for dismissal. The board shall issue a decision affirming

1 or withdrawing the notice of suspension or dismissal within thirty days. The decision of the board may be appealed to the circuit  
2 court.

3 **1.86.** (SDE: Educational Credit for Exceptional Needs Children) (A) As used in this proviso:

4 (1) "Eligible school" means an independent school including those religious in nature, other than a public school, at which  
5 the compulsory attendance requirements of Section 59-65-10 may be met, that:

6 (a) offers a general education to primary or secondary school students;

7 (b) does not discriminate on the basis of race, color, or national origin;

8 (c) is located in this State;

9 (d) has an educational curriculum that includes courses set forth in the state's diploma requirements, graduation  
10 certificate requirements (for special needs children), and where the students attending are administered national achievement or state  
11 standardized tests, or both, at progressive grade levels to determine student progress;

12 (e) has school facilities that are subject to applicable federal, state, and local laws; ~~and~~

13 (f) is a member in good standing of the Southern Association of Colleges and Schools, the South Carolina Association  
14 of Christian Schools, or the South Carolina Independent Schools Association; ~~and~~

15 (g) provides a specially designed program or learning resource center to provide needed accommodations based on  
16 the needs of exceptional needs students or provides onsite educational services or supports to meet the needs of exceptional needs  
17 students, or is a school specifically existing to meet the needs of only exceptional needs students with documented disabilities.

18 (2) "Exceptional needs child" means a child:

19 (a) ~~(i)~~ who has been evaluated in accordance with this state's evaluation criteria, as set forth in S.C. Code Ann. Regs.  
20 43-243.1, and determined eligible as a child with a disability who needs special education and related services, in accordance with  
21 the requirements of Section 300.8 of the Individuals with Disabilities Education Act; or

22 (b) (ii) who has been diagnosed within the last three years by a licensed speech-language pathologist, psychiatrist, or  
23 medical, mental health, psychoeducational, or other comparable licensed health care provider as having a neurodevelopmental  
24 disorder, a substantial sensory or physical impairment such as deaf, blind, or orthopedic disability, or some other disability or acute  
25 or chronic condition that significantly impedes the student's ability to learn and succeed in school without specialized instructional  
26 and associated supports and services tailored to the child's unique needs; and .

27 ~~(b) the child's parents or legal guardian believes that the services provided by the school district of legal residence do~~  
28 ~~not sufficiently meet the needs of the child.~~

29 (3) "Independent school" means a school, other than a public school, at which the compulsory attendance requirements of  
30 Section 59-65-10 may be met and that does not discriminate based on the grounds of race, color, religion, or national origin.

31 (4) "Nonprofit scholarship funding organization" means a charitable organization that:

32 (a) is exempt from federal tax pursuant to Section 501(a) of the Internal Revenue Code by being listed as an exempt  
33 organization in Section 501(c)(3) of the code;

34 (b) allocates, after its first year of operation, at least ninety-seven percent of its annual contributions and gross revenue  
35 received during a particular year to provide grants for tuition to children enrolled in an eligible school meeting the criteria of this

- 1 proviso, and incurs administrative expenses annually, after its first year of operation, of not more than three percent nor more than  
2 \$200,000 in the aggregate, whichever is less, of its annual contributions and revenue for a particular year to cover operational costs;
- 3 (c) allocates all of its funds used for grants on an annual basis to children who are exceptional needs students;
- 4 (d) does not provide grants solely for the benefit of one school, and if the department determines that the nonprofit  
5 scholarship funding organization is providing grants to one particular school, the tax credit allowed by this proviso may be  
6 disallowed;
- 7 (e) does not have as a volunteer, contractor, consultant, fundraiser or member of its governing board any parent, legal  
8 guardian, or member of their immediate family who has a child or ward who is currently receiving or has received a scholarship  
9 grant authorized by this proviso from the organization within one year of the date the parent, legal guardian, or member of their  
10 immediate family became a board member;
- 11 (f) does not have as a member of its governing board or an employee, volunteer, contractor, consultant, or fundraiser  
12 who has been convicted of a felony;
- 13 (g) does not release personally identifiable information pertaining to students or donors or use information collected  
14 about donors, students or schools for financial gain; and
- 15 (h) must not place conditions on schools enrolling students receiving scholarships to limit the ability of the schools to  
16 enroll students accepting grants from other nonprofit scholarship funding organizations.
- 17 (5) "Parent" means the natural or adoptive parent or legal guardian of a child.
- 18 (6) "Person" means an individual, partnership, corporation, or other similar entity.
- 19 (7) "Qualifying student" means a student who is an exceptional needs child, a South Carolina resident, and who is eligible  
20 to be enrolled in a South Carolina secondary or elementary public school at the kindergarten or later year level for the applicable  
21 school year.
- 22 (8) "Resident public school district" means the public school district in which a student resides.
- 23 (9) "Transportation" means transportation to and from school only.
- 24 (10) "Tuition" means the total amount of money charged for the cost of a qualifying student to attend an independent school  
25 including, but not limited to, fees for attending the school, textbook fees, and school-related transportation.
- 26 (11) "Department" means the Department of Revenue.
- 27 (B) (1) A person is entitled to a tax credit against income taxes imposed pursuant to Chapter 6, Title 12, or bank taxes imposed  
28 pursuant to Chapter 11, Title 12 for the amount of cash and the monetary value of any publicly traded securities the person contributes  
29 to a nonprofit scholarship funding organization up to the limits of this proviso if:
- 30 (a) the contribution is used to provide grants for tuition to exceptional needs children enrolled in eligible schools who  
31 qualify for these grants under the provisions of this proviso; and
- 32 (b) the person does not designate a specific child or school as the beneficiary of the contribution.
- 33 (2) An individual is entitled to a refundable tax credit against income taxes imposed pursuant to Chapter 6, Title 12, or bank  
34 taxes imposed pursuant to Chapter 11, Title 12 for the amount of cash and the monetary value of any publicly traded securities, not  
35 exceeding ten thousand dollars per child, the individual contributes as tuition for exceptional needs children within their custody or  
36 care and enrolled in eligible schools who qualify for these grants under the provisions of this proviso. The cumulative maximum

1 total for credits authorized by this subitem may not exceed four million dollars. However, if a child within the care and custody of  
2 an individual receives a tuition scholarship from a nonprofit scholarship funding organization, then the individual only may claim a  
3 credit equal to the difference of ten thousand dollars or the cost of tuition, whichever is lower, and the amount of the scholarship.

4 (C) Grants may be awarded by a scholarship funding organization in an amount not exceeding ten thousand dollars or the total  
5 cost of tuition, whichever is less, for qualifying students with exceptional needs to attend an independent school. Before awarding  
6 any grant, a scholarship funding organization must receive written documentation from the parent documenting that the qualifying  
7 student is an exceptional needs child. Upon approving the application, the scholarship funding organization must issue a check to  
8 the eligible school in the name of the qualifying student. In the event that the qualifying student leaves or withdraws from the school  
9 for any reason before the end of the semester or school year and does not reenroll within thirty days, then the eligible school must  
10 return a prorated amount of the grant to the scholarship funding organization based on the number of days the qualifying student was  
11 enrolled in the school during the semester or school year within sixty days of the qualifying student's departure.

12 (D) (1) (a) The tax credits authorized by subsection (B) may not exceed cumulatively a total of twelve million dollars for  
13 contributions made on behalf of exceptional needs students. If the department determines that the total of such credits claimed by  
14 all taxpayers exceeds either limit amount, it shall allow credits only up to those amounts on a first come, first served basis.

15 (b) The department shall establish an application process to determine the amount of credit available to be claimed.  
16 The receipt of the application by the department shall determine priority for the credit. Subject to the provisions of item (5),  
17 contributions must be made on or before June 30, 2016, in order to claim the credit. The credit must be claimed on the return for the  
18 tax year that the contribution is made.

19 (2) A taxpayer may not claim more than sixty percent of their total tax liability for the year in contribution toward the tax  
20 credit authorized by subsection (B)(1). This credit is not refundable.

21 (3) If a taxpayer deducts the amount of the contribution on the taxpayer's federal return and claims the credit allowed by  
22 this proviso, then the taxpayer must add back the amount of the deduction for purposes of South Carolina income taxes.

23 (4) The department shall prescribe the form and manner of proof required to obtain the credit authorized by subsection (B).  
24 Also, the department shall develop a method of informing taxpayers if the credit limit is met at any time during Fiscal Year ~~2015-16~~  
25 2016-17.

26 (5) A person only may claim a credit pursuant to subsection (B) for contributions made between July 1, ~~2015~~ 2016, and June  
27 30, ~~2016~~ 2017.

28 (E) A corporation or entity entitled to a credit under subsection (B) may not convey, assign, or transfer the credit authorized by  
29 this proviso to another entity unless all of the assets of the entity are conveyed, assigned, or transferred in the same transaction.

30 (F) Except as otherwise provided, neither the Department of Education, the Department of Revenue, nor any other state agency  
31 may regulate the educational program of an independent school that accepts students receiving scholarship grants pursuant to this  
32 proviso.

33 (G) (1) ~~By August 1, 2015, each independent school must apply to the Education Oversight Committee to be considered an~~  
34 ~~eligible institution for which it may receive contributions from a nonprofit scholarship funding organization for which the tax credit~~  
35 ~~allowed by this proviso is allowed.~~ The Education Oversight Committee, as established in Chapter 6, Title 59, is responsible for  
36 determining annually if an eligible school meets the criteria established by subsection (A)(1), and shall ~~publish an approved list of~~

1 ~~such schools meeting the criteria~~ *maintain on its website a list of schools approved for participation in the program. Any school that*  
2 *participated in the program in the prior fiscal year and complied with the requirements of the program would have until December*  
3 *30 of the current fiscal year to reapply for participation in the program and in the meantime would continue to be an eligible*  
4 *institution unless the school notifies the committee in writing of its decision not to participate in the program. Furthermore, any*  
5 *school that did not participate in the program in the prior fiscal year may apply for participation in the program at any time in the*  
6 *current fiscal year.* If an independent school does not apply to be an eligible school, the independent school may not be published  
7 as an approved school, and contributions to that school shall not be allowed for purposes of the credit allowed by this proviso. The  
8 Education Oversight Committee must publish the approved list of schools on its website by September first of each year, *shall update*  
9 *the list upon the approval of additional eligible schools,* and the list must include their names, addresses, telephone numbers, and, if  
10 available, website addresses. Also, the score reports and audits received by the Education Oversight Committee pursuant to items  
11 (2)(b) and (c) must be published with the list. The Education Oversight Committee shall summarize or redact the score reports if  
12 necessary to prevent the disclosure of personally identifiable information. For this purpose, it also shall promulgate regulations  
13 further enumerating the specifics of this criteria. In performing this function, the Education Oversight Committee shall establish an  
14 advisory committee made up of not more than nine members, including parents, and representatives of independent schools and  
15 independent school associations. The advisory committee shall provide recommendations to the Education Oversight Committee on  
16 the content of these regulations and any other matters requested by the Education Oversight Committee.

17 (2) An independent school's application for consideration as an eligible institution must contain:

18 (a) the number and total amount of grants received from each nonprofit scholarship funding organization in the  
19 preceding fiscal year;

20 (b) student test scores, by category, on national achievement or state standardized tests, or both, for all grades tested  
21 and administered by the school receiving or entitled to receive scholarship grants pursuant to this proviso in the previous fiscal year;

22 (c) a copy of a compilation, review, or compliance audit of the organization's financial statements, conducted by a  
23 certified public accounting firm; and

24 (d) a certification by the independent school that it meets the definition of an eligible school as that term is defined in  
25 subsection (A)(1) and that the report is true, accurate, and complete under penalty of perjury in accordance with Section 16-9-10.

26 (3) Any independent school not determined to be an eligible school pursuant to the provisions of this proviso may seek  
27 review by filing a request for a contested case hearing with the Administrative Law Court in accordance with the court's rules of  
28 procedure.

29 (4) The Education Oversight Committee, after consultation with its nine-member advisory committee, may exempt an  
30 independent school having students with exceptional needs who receive scholarship grants pursuant to this proviso from the  
31 curriculum requirements of subsection (A)(1)(d).

32 (H) (1) By August first of each year, each nonprofit scholarship funding organization must apply to the department to be  
33 considered an eligible organization for which its contributors are allowed the tax credit allowed by this proviso. If a nonprofit  
34 scholarship funding organization does not apply, the organization may not be published as an approved organization, and  
35 contributions to that organization shall not be allowed for purposes of the credit allowed by this proviso. A nonprofit scholarship  
36 funding organization's application must contain:

- 1 (a) the number and total amount of grants issued to eligible schools in the preceding fiscal year;
- 2 (b) for each grant issued to an eligible school in the preceding fiscal year, the identity of the school and the amount of
- 3 the grant;
- 4 (c) an itemization and detailed explanation of any fees or other revenues obtained from or on behalf of any eligible
- 5 schools;
- 6 (d) a copy of the organization's Form 990 or other comparable federal submission that indicates the provisions of the
- 7 Internal Revenue Code under which the organization has been granted exempt status for purposes of federal taxation;
- 8 (e) a copy of a compilation, review, or audit of the organization's financial statements, conducted by a certified public
- 9 accounting firm;
- 10 (f) the criteria and eligibility requirements for scholarship awards; and
- 11 (g) a certification by the organization that it meets the definition of a nonprofit scholarship funding organization as that
- 12 term is defined in subsection (A)(4) and that the report is true, accurate, and complete under penalty of perjury in accordance with
- 13 Section 16-9-10.
- 14 (2) By receiving the application materials and approving the organization as an eligible organization pursuant to item (1),
- 15 the department is not determining that the organization meets all of the requirements of a qualified nonprofit scholarship funding
- 16 organization and the organization remains subject to examination as provided for pursuant to subsection (I).
- 17 (3) The department has authority to disclose the names of qualifying nonprofit scholarship funding organizations to the
- 18 Education Oversight Committee. The department also may disclose to the Education Oversight Committee the names of
- 19 organizations that applied but were not qualified by the department and those organizations whose eligibility has been revoked in
- 20 accordance with subsection (I)(2), as well as the reason the application of the organization was not accepted or the reason its
- 21 qualification was revoked.
- 22 (4) By September first of each year, the Education Oversight Committee must publish on its website a list of all qualifying
- 23 nonprofit scholarship funding organizations, provided by the department, to include their names, addresses, telephone numbers, and,
- 24 if available, website addresses. Also, the results of the audit required by item (1)(e) must be published with the list.
- 25 (I) (1) The department has authority to oversee, audit, and examine the nonprofit scholarship funding organizations, including
- 26 determining whether the nonprofit scholarship funding organization is being operated in a manner consistent with the requirements
- 27 for an IRC Section 501(c)(3) organization or is in compliance with any other provision of this proviso.
- 28 (2) (a) If at any time during the year, the department has evidence, through audit or otherwise, that a nonprofit scholarship
- 29 funding organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3)
- 30 organization or is not in compliance with any other provision of this proviso, the department immediately may revoke the
- 31 organization's participation in the program and must notify the organization and the Education Oversight Committee in writing of
- 32 the revocation.
- 33 (b) Notice of revocation may be provided to the organization by personal delivery to the organization, by first class
- 34 mail to the last known address of the organization, or by other means reasonably designed to provide notice to the organization.
- 35 (c) Any donations made following the date the notice of revocation is received by the organization or in the case of
- 36 delivery by mail ten days after the notice of revocation was mailed, will not qualify for the credit and the donated funds must be

1 returned to the donor by the organization. This proviso shall not limit the department's authority to deny any tax credit or other  
2 benefit provided by this proviso if the circumstances warrant.

3 (d) (i) Within thirty days after the day on which the organization is notified of the revocation, the organization may  
4 request a contested hearing before the Administrative Law Court. Within thirty days after a request for a contested case hearing is  
5 received by the Administrative Law Court, an administrative law judge shall hold the contested case hearing and determine whether  
6 the revocation was reasonable under the circumstances. The department has the burden of proof of showing that the revocation was  
7 reasonable under the circumstances. The revocation is "reasonable" if the department has some credible evidence to believe that the  
8 organization is not being operated in a manner consistent with the requirements for operating an IRC Section 501(c)(3) organization  
9 or is not in compliance with any other provision of this proviso. The decision made by the administrative law judge is final and  
10 conclusive and may not be reviewed by any court. If the organization does not request a contested case hearing within thirty days of  
11 the immediate revocation, the revocation shall become permanent.

12 (ii) If the administrative law judge determines that the revocation was reasonable, the administrative law judge  
13 shall remand the case to the department to issue a department determination for permanent revocation within the time period  
14 determined by the judge. The organization may appeal this department determination in accordance with Section 12-60-460. At the  
15 contested case hearing on the department determination, the parties can raise new issues and arguments in addition to those issues  
16 and arguments previously presented at the revocation hearing.

17 (iii) If the administrative law judge determines that immediate revocation is not reasonable, the revocation shall be  
18 lifted and the organization may resume accepting donations and award scholarships hereunder. The department may still issue a  
19 department determination in accordance with Section 12-60-450(E)(2).

20 (iv) If at any time during the process, the department believes the organization is in compliance, the department, in  
21 its sole discretion, may reinstate the organization and notify the Education Oversight Committee.

22 (v) Following the permanent revocation of a nonprofit scholarship funding organization, the Education Oversight  
23 Committee has the authority to oversee the transfer of donated funds of the revoked organization to other nonprofit scholarship  
24 funding organizations.

25 (J) A nonprofit scholarship funding organization may transfer funds to another nonprofit scholarship funding organization,  
26 especially in the event that the organization cannot distribute the funds in a timely manner or if the organization ceases to exist. None  
27 of the funds that are transferred by one nonprofit scholarship funding organization to another may be considered by the former  
28 organization when calculating its administrative expenses.

29 1.87. (SDE: Moving Cost Study) The department shall report to the Chairman of the Senate Finance Committee, the Chairman  
30 of the House Ways and Means Committee, and the Department of Administration no later than September 1, 2016, on the costs  
31 associated with relocating the Department of Education from the Rutledge building to a different location.

32 1.88. (SDE: Technology Technical Assistance) Funds appropriated to the Department of Education for Technology Technical  
33 Assistance must be used to increase the capacity of districts who are or were the original trial and plaintiff school districts in the  
34 Abbeville law suit. Funds shall be used by the department to assist school districts in procuring appropriate technology to include  
35 devices and infrastructure in accordance with the recommendations made by the technology review team to begin to build capacity  
36 to offer online testing and increased access.

1 1.89. (SDE: College Readiness Assessment) For the current fiscal year, the Department of Education is directed to procure a  
2 college readiness assessment. The assessment, or an alternate college readiness measure approved by the department as set forth  
3 by the student's Individualized Education Program, must be administered to all students in grade 11. A testing accommodation  
4 made for a student must be selected from a vendor-approved accommodations list and included in the student's Individualized  
5 Education Program or an accommodations plan of a student made pursuant to Section 504 of the Rehabilitation Act of 1973, 34  
6 C.F.R. Part 104. The department will collect from districts the percentage of students taking the college readiness assessment.

7 1.90. (SDE: Highly Qualified Teachers) For the current fiscal year, the requirement that teachers must be highly qualified in  
8 the core academic subjects is suspended.

9 1.91. (SDE: Teacher Salaries Increase) For Fiscal Year 2016-17, the Department of Education is directed to increase the  
10 statewide salary schedule by two percent. A local school district board of trustees must provide all certified teachers paid on the  
11 teacher salary schedule a two percent salary increase. Districts are to provide this increase using the district salary schedule as its  
12 base. School districts shall utilize the additional funds made available from the Teacher Salary Supplement appropriation to provide  
13 the required one percent increase.

14 Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all  
15 eligible certified teachers employed by the district by an amount equal to a step on the salary schedule for any teacher entering the  
16 23<sup>rd</sup> year if the district's salary schedule does not go beyond 22 years. Application of this provision must be applied uniformly for  
17 all eligible certified teachers. If a school district believes it will be unable to provide the required additional step without incurring  
18 a deficit, it may apply to the State Board of Education for a waiver from this requirement.

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

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

22  
23  
24 **1A.1.** (SDE-EIA: Prohibition on Appropriation Transfers) The amounts appropriated herein for aid to subdivisions or allocations  
25 to school districts shall not be transferred or reduced and must be expended in accordance with the intent of the appropriation.  
26 However, transfers are authorized from allocations to school districts or special line items with projected year-end excess  
27 appropriations above requirements, to allocations to school districts or special line items with projected deficits in appropriations.

28 **1A.2.** (SDE-EIA: African-American History) Funds provided for the development of the African-American History curricula  
29 may be carried forward into the current fiscal year. Funds that are currently a salary line item will be reallocated for the development  
30 of instructional materials and programs and the implementation of professional learning opportunities that promote African  
31 American history and culture. For Fiscal Year ~~2014-15~~ 2016-17 not less than seventy percent of the funds carried forwarded must  
32 be expended for the development of additional instructional materials by nonprofit organizations selected through a ~~competitive bids~~  
33 grant process by the Department of Education. ~~Priority must be given to organizations that have already produced materials that are~~  
34 ~~currently being used by schools and outreach programs that reflect African-American culture and history and that support literacy~~  
35 ~~efforts.~~



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

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

15       ~~The funds appropriated herein in the line item “Alloc. EIA Teacher/Other Pay” must be distributed to the agencies by the Executive~~  
16 ~~Budget Office. Teacher salary increases recommended by the Education Oversight Committee and funded in this Act shall be~~  
17 ~~incorporated into each agency’s EIA appropriation contained in Section 1, VIII.E.~~

18       **1A.5.** (SDE-EIA: Work-Based Learning) Of the funds appropriated in Part IA, Section 1, VIII.A.1. for the Work-Based Learning  
19 Program, \$75,000 shall be used by the State Department of Education to provide for regional professional development in contextual  
20 methodology techniques and integration of curriculum, and professional development in career guidance for teachers and guidance  
21 counselors and training mentors. Pilot-site delivery of contextual methodology training in mathematics will be supported by  
22 technology and hands-on lab activities. In addition, \$500,000 shall be allocated for Regional Career Specialists. Each Regional  
23 Career Specialist shall (1) be housed within the regional centers/WIA geographic areas, (2) provide career development activities  
24 throughout all schools within the region, (3) be under the program supervision of the Office of Career and Technology Education,  
25 State Department of Education, and (4) adhere to an accountability and evaluation plan created by the Office of Career and  
26 Technology Education, State Department of Education. The Office of Career and Technology Education, State Department of  
27 Education, shall provide a report, in February of the current fiscal year to the Senate Finance Committee and the House Ways and  
28 Means Committee on accomplishments of the Career Counseling Specialists. Of the funds appropriated in the prior fiscal year,  
29 unexpended funds may be carried forward to the current fiscal year and expended for the same purposes.

30       **1A.6.** (SDE-EIA: CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, VIII.E. for the Teacher  
31 Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the Center  
32 for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which  
33 at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers,  
34 and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including the Teacher  
35 Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute eight percent  
36 to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall

1 not be used for the operation of their established general education programs. Working with districts with an absolute rating of At-  
2 Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA  
3 will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the  
4 recruitment and retention efforts in these schools. The South Carolina Commission on Higher Education shall ensure that all funds  
5 are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three  
6 teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina  
7 State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it  
8 currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment  
9 projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees,  
10 the State Board of Education and the Education Oversight Committee by October first annually, in a format agreed upon by the  
11 Education Oversight Committee and the Department of Education.

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

22 **1A.7.** (SDE-EIA: Disbursements/Other Entities) Notwithstanding the provisions of Sections 2-7-66 and 11-3-50, South  
23 Carolina Code of Laws, it is the intent of the General Assembly that funds appropriated in Part IA, Section 1, VIII.E. Other State  
24 Agencies and Entities shall be disbursed on a quarterly basis by the Department of Revenue directly to the state agencies and entities  
25 referenced except for the Teacher Loan Program, Centers of Excellence, the Education Oversight Committee and School Technology,  
26 which shall receive their full appropriation at the start of the fiscal year from available revenue. The Comptroller General's Office  
27 is authorized to make necessary appropriation reductions in Part IA, Section 1, VIII.E. to prevent duplicate appropriations. If the  
28 Education Improvement Act appropriations in the agency and entity respective sections of the General Appropriations Act at the start  
29 of the fiscal year do not agree with the appropriations in Part IA, Section 1, VIII.E. Other State Agencies and Entities, the "other  
30 funds" appropriations in the respective agency and entity sections of the General Appropriations Act will be adjusted by the  
31 Comptroller General's Office to conform to the appropriations in Part IA, Section 1, VIII.E. Other State Agencies and Entities.  
32 Further, the Department of Revenue is directed to provide the full appropriation of the funding appropriated in Part IA, Section 1,  
33 VIII.C.2. Teacher Supplies to the Department of Education at the start of the fiscal year from available revenue. The Department of  
34 Revenue is also directed to provide the first quarter appropriation of the funding appropriated in Part IA, Section 1, VIII.G. Charter  
35 School District to the Department of Education at the start of the fiscal year from available revenue.

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

10       **1A.9.** (SDE-EIA: Teacher Supplies) All certified *and non-certified* public school teachers, certified special school classroom  
11 teachers, certified media specialists, ~~and~~ certified guidance counselors, *and career specialists* who are employed by a school district,  
12 ~~or~~ a charter school, *or a publically funded full day 4K classroom*, as of November thirtieth of the current fiscal year, based on the  
13 public decision of the school board may receive reimbursement of ~~up to~~ two hundred seventy-five dollars each school year to offset  
14 expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by  
15 July fifteenth based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. With remaining funds  
16 for this program, any deviation in the PCS and actual teacher count will be reconciled by December thirty-first or as soon as  
17 practicable thereafter. Based on the public decision of the school district these funds shall be disbursed in a manner separate and  
18 distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current  
19 contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor’s  
20 School for Science and Math, the Governor’s School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la  
21 Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District.  
22 Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other  
23 sources. If a school district requires receipts for tax purposes the receipts may not be required before December thirty-first. Districts  
24 that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the allocation  
25 for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the  
26 fiscal year for the amount of the allocation. Districts shall not have an audit exception related to non-retention of receipts in any  
27 instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not  
28 been submitted between November twenty-fifth and December sixth that receipts must be submitted to the district. Districts may  
29 not add any additional requirement not listed herein related to this reimbursement.

30       Any classroom teacher, including a classroom teacher at a South Carolina private school, that is not eligible for the reimbursement  
31 allowed by this provision, may claim a refundable income tax credit on the teacher’s ~~2015~~ 2016 tax return, provided that the return  
32 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  
33 dollars, or the amount the teacher expends on teacher supplies and materials, whichever is less. If any expenditures eligible for a  
34 credit are made after December thirty-first, the teacher may include the expenditures on his initial return or may file an amended  
35 ~~2015~~ 2016 return claiming the credit, so long as the return or amended return is filed in this fiscal year. The Department of Revenue  
36 may require whatever proof it deems necessary to implement the credit provided by this part of this provision.

1       **1A.10.** (SDE-EIA: Teacher of the Year Awards) Of the funds provided herein for Teacher of the Year Awards, each district  
2 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,  
3 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  
4 the State Teacher of the Year Program sponsored by the State Department of Education. These awards shall not be subject to South  
5 Carolina income taxes.

6       **1A.11.** (SDE-EIA: EOC) The Education Oversight Committee may collect, retain and expend revenue from conference  
7 registration and fees; charges for materials supplied to local school districts or other entities not otherwise mandated to be provided  
8 by state law; and from other activities or functions sponsored by the committee including public awareness campaign activities. Any  
9 unexpended revenue from these sources may be carried forward into the current fiscal year and expended for the same purposes.

10       **1A.12.** (SDE-EIA: Technical Assistance) In order to best meet the needs of underperforming schools, funds appropriated for  
11 technical assistance must be used to provide intensive support to schools and districts with an absolute rating of below average or at-  
12 risk on the most recent annual school report card or with the lowest percentages of students meeting state standards on state  
13 assessments on the most recent state assessments or with the lowest high school graduation rates ~~must be allocated according to the~~  
14 ~~severity of not meeting report card criteria.~~ The department will create a system of tiers of technical assistance for low-performing  
15 schools and districts that will receive technical assistance. The tiers will be determined by factors that include, but are not limited  
16 to, length of time performance of the school or district has been at-risk/below average, annual achievement ratings, annual growth  
17 ratings, school or district accreditation, and/or financial risk status. The tiers of technical assistance may include a per student  
18 allocation, placement of a principal mentor, transformation coach, instructional leader, replacement of the principal, reconstitution  
19 of a school, and declaration of a state of emergency. Low-performing schools and districts shall be placed within the tiered technical  
20 assistance framework not later than December 15.

21       Schools receiving an absolute rating of below average or at risk Low-performing schools shall receive a diagnostic review through  
22 the department. In addition, newly identified low-performing schools and districts must be reviewed by an External Review Team in  
23 the year of designation, and every third year thereafter. Based upon the recommendations in the review(s), low-performing schools  
24 and districts must develop and submit to the Department of Education ~~a~~ an updated school renewal or district strategic plan outlining  
25 goals for improvements. The amended plans must address specific strategies designed to increase student achievement and must  
26 include measures to evaluate the success of implementation of the plan. ~~Of the technical assistance funds allocated to below average~~  
27 ~~or at risk schools each allocation must address specific strategies designed to increase student achievement and must include~~  
28 ~~measures to evaluate success. The school renewal plan may include expenditures for recruitment incentives for faculty and staff,~~  
29 ~~performance incentives for faculty and staff, assistance with curriculum and test score analysis, professional development activities~~  
30 ~~based on curriculum and test score analysis that may include daily stipends if delivered on days outside of required contract days.~~  
31 ~~School expenditures of technical assistance shall be monitored by the Department of Education.~~

32       With the funds appropriated to the Department of Education, and any experts placed in the school or district for technical assistance  
33 services, the department will assist low-performing schools and districts with an absolute rating of below average or at risk in  
34 designing and implementing ~~technical assistance school renewal~~ the strategies and measurement identified in the amended plans and  
35 in brokering for technical assistance personnel ~~as needed and~~ as stipulated in the plan. In addition, the department must monitor  
36 student academic achievement and progress on implementation ~~the expenditure of technical assistance funds in schools receiving~~

1 ~~these funds and report their findings to the General Assembly and the Education Oversight Committee by January first of each fiscal~~  
2 ~~year as the General Assembly may direct local legislative delegation, and the Governor in the fall following the school or district~~  
3 ~~designation as low-performing. If the Education Oversight Committee or the department requests information from schools or school~~  
4 ~~districts regarding the expenditure of technical assistance funds pursuant to evaluations, the school or school district must provide~~  
5 ~~the evaluation information necessary to determine effective use. If the school or school district does not provide the evaluation~~  
6 ~~information necessary to determine effective use, the principal of the school or the district superintendent may be subject to receiving~~  
7 ~~a public reprimand by the State Board of Education if it is determined that those individuals are responsible for the failure to provide~~  
8 ~~the required information.~~

9 ~~No more than five percent of the total amount appropriated for technical assistance services to schools with an absolute rating of~~  
10 ~~below average or at risk may be retained and expended Funds must be used by the department for implementation and delivery of~~  
11 ~~technical assistance services. Using previous report card data and monitoring reports on the status of implementation of the school~~  
12 ~~renewal plan, the department shall identify priority schools. Up to \$6,000,000 of the total funds Funds appropriated for technical~~  
13 ~~assistance shall be used by the department to work with those schools identified as low-performing and to support priority schools~~  
14 ~~under the tiered system. These funds shall not be transferred to any other funding category by the school district without prior~~  
15 ~~approval of the State Superintendent of Education.~~

16 ~~The department will create a system of levels of technical assistance for schools that will receive technical assistance funds. The~~  
17 ~~levels will be determined by the severity of not meeting report card criteria. The levels of technical assistance may include a per~~  
18 ~~student allocation, placement of a principal mentor, replacement of the principal, and/or reconstitution of a school.~~

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

32 ~~The reconstitution of a school could take place if the school has been identified as a priority school that has failed to improve~~  
33 ~~satisfactorily. The decision to reconstitute a school shall be made by the State Superintendent of Education in consultation with the~~  
34 ~~principal and/or principal mentor, the school board of trustees, and the district superintendent. The decision to reconstitute a school~~  
35 ~~shall be made by April first, at which time notice shall be given to all employees of the school. The department, in consultation with~~

1 the principal and district superintendent, shall develop a staffing plan, ~~recruitment and performance bonuses,~~ and a budget for each  
2 reconstituted school.

3 The State Superintendent of Education may declare a state of emergency in a district if the accreditation status is probation or  
4 denied, if a majority of the schools fail to show improvement on the state accountability system, if the district is classified as being  
5 in "high risk" status financially, or for financial mismanagement resulting in a deficit. The State Superintendent of Education may  
6 declare a state of emergency in a school if the accreditation status is probation or denied, or if the school fails to show improvement  
7 on the state accountability system. Upon declaration of a state of emergency, the Superintendent may take over management of the  
8 school or district. Management of the school or district may include direct management, consolidation with another district, charter  
9 management, public/private management, or contracting with an educational management organization or another school district.

10 Upon approval of the school renewal plans by the department and the State Board of Education, a newly identified school or a  
11 currently identified school with an absolute rating of below average or at risk on the report card will receive a base amount and a per  
12 pupil allocation based on the previous year's average daily membership as determined by the annual budget appropriation. No more  
13 than fifteen percent of funds not expended in the prior fiscal year may be carried forward and expended in the current fiscal year for  
14 strategies outlined in the school's renewal plan. Schools must use technical assistance funds to augment or increase, not to replace  
15 or supplant local or state revenues that would have been used if the technical assistance funds had not been available. Schools must  
16 use technical assistance funds only to supplement, and to the extent practical, increase the level of funds available from other revenue  
17 sources.

18 **1A.13.** (SDE-EIA: Proviso Allocations) In the event an official EIA revenue shortfall is declared by the Board of Economic  
19 Advisors, the Department of Education may reduce any allocation in Section 1A specifically designated by proviso in accordance  
20 with the lower Board of Economic Advisors revenue estimate as directed by the Executive Budget Office. No allocation for teacher  
21 salaries shall be reduced as a result of this proviso.

22 **1A.14.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may  
23 transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery  
24 Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance,  
25 to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds allocated  
26 specifically for state level maintenance of effort requirements under IDEA, funds allocated specifically for state level maintenance  
27 of effort requirement for federal program, funds provided for the Education and Economic Development Act, funds provided for  
28 Career and Technology Education, nor required for debt service or bonded indebtedness. All school districts and special schools of  
29 this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area  
30 level, except for four-year old programs and programs serving students with disabilities who have Individualized Education  
31 Programs.

32 In order for a school district to take advantage of the flexibility provisions, at least seventy-five percent of the school district's per  
33 pupil expenditures must be utilized within the In\$ite categories of instruction, and instructional support, ~~and non-instruction pupil~~  
34 ~~services.~~ No portion of the seventy-five percent may be used for operations, business services, debt service, capital outlay, program  
35 management, and leadership services, as defined by In\$ite. The school district shall report to the Department of Education the actual  
36 percentage of its per pupil expenditures used for classroom instruction, and instructional support, ~~and non-instruction pupil services~~

1 for the current school year ending June thirtieth. Salaries of on-site principals must be included in the calculation of the district's  
2 per pupil expenditures.

3 "InSite" means the financial analysis model for education programs utilized by the Department of Education.

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

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

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

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

18 For the current fiscal year, Section 59-21-1030 is suspended. Formative assessments for grades one, two, and nine, the foreign  
19 language program assessment, and the physical education assessment must be suspended. School districts and the Department of  
20 Education are granted permission to purchase the most economical type of bus fuel.

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

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

26 (i) the transaction amount;

27 (ii) the name of the payee; and

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

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

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

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

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

6 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title  
7 30, the South Carolina Freedom of Information Act. Nothing in this proviso shall be interpreted as prohibiting the State Board of  
8 Education to exercise its authority to grant waivers under Regulation 43-261.

9 **1A.15.** (SDE-EIA: Teacher Salary Supplement) The department is directed to carry forward prior year unobligated teacher salary  
10 supplement and related employer contribution funds into the current fiscal year to be used for the same purpose. Any unexpended  
11 funds in teacher salary supplement may be used to fund shortfalls in the associated employer contribution funding in the current  
12 fiscal year.

13 **1A.16.** (SDE-EIA: Dropout Prevention and High Schools That Work Programs) The Department of Education must report  
14 annually by December first, to the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and  
15 Means Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works  
16 Committee on the effectiveness of dropout prevention programs funded by the Education and Economic Development Act and on  
17 the High Schools that Work Programs' progress and effectiveness in providing a better prepared workforce and student success in  
18 post-secondary education. The department, school districts, and special schools may carry forward unexpended funds from the prior  
19 fiscal year into the current fiscal that were allocated for High Schools That Work.

20 **1A.17.** (SDE-EIA: Assessment) The department is authorized to carry forward into the current fiscal year, prior year state  
21 assessment funds for the same purpose. Reimbursements shall resume in the current fiscal year for PSAT *or 10th grade Aspire*.

22 **1A.18.** (SDE-EIA: Report Card Information) The percentage each school district expended on classroom instruction as defined  
23 by the Department of Education's InSite classification for "Instruction" must be printed on the Annual School and District Report  
24 Card.

25 **1A.19.** (SDE-EIA: Core Curriculum Materials) The funds appropriated in Part IA, Section 1, VIII.A.3 for instructional materials  
26 for core curriculum shall be expended consistent with the requirements of Section 59-31-600 of the 1976 Code requiring the  
27 development of higher order thinking skills and critical thinking which should be integrated throughout the core curriculum  
28 instructional materials. Furthermore, the evaluation criteria used to select instructional materials with funds appropriated in Part IA,  
29 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  
30 and critical thinking.

31 **1A.20.** (SDE-EIA: Certified Staff Technology Proficiency) To ensure the effective and efficient use of the funding provided by  
32 the General Assembly in Part IA, Section 1 VIII.D. for school technology in the classroom and internet access, the State Department  
33 of Education shall approve district technology plans that specifically address and incorporate certified staff technology competency  
34 standards and local school districts must require certified staff to demonstrate proficiency in these standards as part of each certified  
35 staff's Professional Development plan. ~~The Department of Education's professional development tracking, prescriptive and  
36 electronic portfolio system for certified staff is the preferred method for demonstrating technology proficiency as this system is~~



1 District adopted technology proficiency standards and plans should be, at minimum, aligned to the International Society for  
2 Technology in Education (ISTE) teacher standards. Evidence that districts are meeting the requirement is a prerequisite to  
3 expenditure of a district's technology funds.

4 **1A.21.** (SDE-EIA: Accountability Program Implementation) To support implementation of the accountability program, the  
5 Education Oversight Committee may carry forward unexpended Education Accountability Act funds authorized specifically for the  
6 administration of the Education Oversight Committee. For the current fiscal year the Education Oversight Committee may carry  
7 forward prior year EIA South Carolina Community Block Grants for Education Pilot Program funds not awarded by the grant  
8 committee. These funds must be used for an independent common evaluation of each awarded grant to ensure high quality programs  
9 that maximize a return on the state's investment.

10 **1A.22.** (SDE-EIA: 4K Targeting) EIA funds allocated for the provision of four-year-old kindergarten shall be utilized for the  
11 provision of services to age-eligible children qualifying for free or reduced-price lunch or Medicaid. Children with developmental  
12 delays documented through state approved screening assessments or children with medically documented disabilities who do not  
13 already qualify for special need services should also be considered for enrollment. In the event that more students seek to enroll than  
14 available space permits, districts shall prioritize students (at the time of acceptance) on the basis of family income expressed as a  
15 percentage of the federal poverty guidelines, with the lowest family incomes given the highest enrollment priority.

16 **1A.23.** (SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts  
17 shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early  
18 reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the  
19 appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic  
20 awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom  
21 instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation  
22 should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.

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

30 **1A.24.** (SDE-EIA: Students at Risk of School Failure) For the current fiscal year, EIA funds appropriated for students at academic  
31 risk of school failure, which include funds for Act 135 Academic Assistance, summer school, reduce class size, alternative schools,  
32 parent support and family literacy, must be allocated to school districts based two factors: (1) the poverty index of the district as  
33 documented on the most recent district report card, which measures ~~student eligibility for the free or reduced price lunch program~~  
34 and Medicaid students identified using the USDA Community Eligibility guidelines and students on Medicaid, students identified as  
35 Migrant and students identified as Homeless; and (2) the number of students not in poverty or eligible for Medicaid but who fail to  
36 meet state standards on state standards-based assessments in either reading or mathematics. At least eighty-five percent of the funds

1 allocated for students classified as at academic risk must be spent on instruction and instructional support for these students who  
2 generated the funds. Instructional support may include family literacy and parenting programs to students at-risk for school failure  
3 and their families. Students at academic risk are defined as students who are at risk of not graduating from high school because they  
4 failed either the English language arts or mathematics portion of the High School Assessment Program on first attempt and who  
5 score not met on grades three through eight in reading and mathematics state assessments. Public charter schools, the Palmetto  
6 Unified School District, and the Department of Juvenile Justice must also receive a proportionate per pupil allocation based on the  
7 number of students at academic risk of school failure served.

8 **1A.25.** (SDE-EIA: Professional Development) Of the funds appropriated for professional development, up to \$500,000 may be  
9 expended for gifted and talented teacher endorsement and certification activities. The balance of EIA funds appropriated for  
10 professional development must be allocated to districts based on the number of weighted pupil units in each school district in  
11 proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. The funds must  
12 be expended on professional development for certificated instructional and instructional leadership personnel in grades kindergarten  
13 through twelve across all content areas, including teaching in and through the arts. No more than twenty-five percent of the funds  
14 appropriated for professional development may be retained by the Department of Education for the administration and provision of  
15 other professional development services *which must be targeted to districts who are or were the original trial and plaintiff school*  
16 *districts in the Abbeville law suit to increase the capacity of educators and leaders in those districts.* The Department of Education  
17 must provide professional development on assessing student mastery of the content standards through classroom, formative and end-  
18 of-year assessments. The Department of Education also must post on the agency's website the South Carolina Professional  
19 Development Standards and provide training through telecommunication methods to school leadership on the professional  
20 development standards. *The department is authorized to carry forward and expend professional development funds for the same*  
21 *purpose.*

22 **1A.26.** (SDE-EIA: Assessments-Gifted & Talented, Advanced Placement, & International Baccalaureate Exams) Of the funds  
23 appropriated and/or authorized for assessment, up to ~~\$4,600,000~~ *\$5,400,000* shall be used for assessments to determine eligibility of  
24 students for gifted and talented programs and for the cost of Advanced Placement and International Baccalaureate exams.

25 **1A.27.** (SDE-EIA: Adult Education) A minimum of thirty percent of the funds appropriated for adult education must be allocated  
26 to school districts to serve adult education students between the ages of seventeen and twenty-one who are enrolled in programs  
27 leading to a state high school diploma, state high school equivalency diploma (GED), or career readiness certificate (WorkKeys).  
28 The remaining funds will be allocated to districts based on a formula which includes factors such as target populations without a  
29 high school credential, program enrollment the previous school year, number of students making an educational gain the previous  
30 school year, and performance factors such as number of high school credentials and career readiness certificates awarded the previous  
31 school year. Overall levels of state funding must meet the federal requirement of state maintenance of effort. Each school district  
32 must collect information from both the student and the school including why the student has enrolled in Adult Education and whether  
33 or not the student is pursuing a GED or Diploma. The school district must then provide a quarterly report to the Department of  
34 Education and must include the unique student identifier. The department, in turn, will provide summary information to the House  
35 Ways and Means Committee, the House Education and Public Works Committee, the Senate Finance Committee and the Senate  
36 Education Committee on the information. *Up to a maximum of \$300,000, of funds may be used to establish an initiative by which*

1 qualifying adult education students may qualify for a free high school equivalency test. The Department of Education shall establish  
2 guidelines for the free high school equivalency testing initiative.

3 **1A.28.** (SDE-EIA: Clemson Agriculture Education Teachers) The funds appropriated in Part IA, Section VIII.E. for Clemson  
4 Agriculture Education Teachers must be transferred to Clemson University PSA to fund summer employment of agriculture teachers  
5 and to cover state-mandated salary increases on that portion of the agriculture teachers' salaries attributable to summer employment.  
6 If sufficient funds remain, Clemson University PSA may utilize such funds for a Regional Coordinator.

7 **1A.29.** (SDE-EIA: Incentive for National Board Certification After June 30, 2010) Public school classroom teachers to include  
8 teachers employed at the special schools or classroom teachers who work with classroom teachers to include teachers employed at  
9 the special schools who are certified by the State Board of Education and who complete the application process on or after July 1,  
10 2010 shall be paid a \$5,000 salary supplement in the year of achieving certification. The special schools include the Governor's  
11 School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe  
12 School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The  
13 \$5,000 salary supplement shall be added to the annual pay of the teacher, not to exceed ten years of the national certificate. However,  
14 the \$5,000 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the  
15 district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall  
16 administer whereby teachers who are United States citizens or permanent resident aliens apply to the National Board for Professional  
17 Teaching Standards for certification on or after July 1, 2010. Should the program not be suspended, up to nine hundred applications  
18 shall be processed annually. Of the funds appropriated in Part IA, Section 1, VIII.C.2. for National Board Certification, the  
19 Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South  
20 Carolina) the funds necessary for the administration of teachers applying to the National Board for Professional Teaching Standards  
21 for certification.

22 **1A.30.** (SDE-EIA: Full-Day 4K) ~~For the current school year, eligible~~ Eligible students residing in a school district ~~with a poverty~~  
23 ~~index of seventy percent or greater may participate~~ that met the poverty level for participation in the prior school year are eligible  
24 to participate in the South Carolina Early Reading Development and Education Program in the current school year. Public and  
25 private providers will be reimbursed for instructional costs at a rate of ~~\$4,218~~ \$4,323 per student enrolled. Eligible students enrolling  
26 during the school year or withdrawing during the school year shall be funded on a pro rata basis determined by the length of their  
27 enrollment. Private providers transporting eligible children to and from school shall also be eligible for a reimbursement of ~~\$550~~  
28 \$564 per eligible child transported. All providers who are reimbursed are required to retain records as required by their fiscal agent.  
29 New providers participating for the first time in the current fiscal year and enrolling between one and six eligible children shall be  
30 eligible to receive up to \$1,000 per child in materials and equipment funding, with providers enrolling seven or more such children  
31 eligible for funding not to exceed \$10,000. Providers receiving equipment funding are expected to participate in the program and  
32 provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years  
33 will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and  
34 the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department  
35 of Education and the Office of First Steps.

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

12 **1A.31.** (SDE-EIA: Aid to Districts) Funds appropriated in Part IA, Section 1, VIII.A.1. Aid to Districts shall be dispersed to  
13 school districts based on the number of weighted pupil units.

14 **1A.32.** (SDE-EIA: Centers of Excellence) Of the funds appropriated for Centers of Excellence, \$350,000 must be allocated to the  
15 Francis Marion University Center of Excellence to Prepare Teachers of Children of Poverty to expand statewide training for  
16 individuals who teach children of poverty through weekend college, nontraditional or alternative learning opportunities.

17 **1A.33.** (SDE-EIA: IDEA Maintenance of Effort) Prior to the dispersal of funds appropriated in Section VIII.A.1. Aid to Districts  
18 according to Proviso 1A.31 for the current fiscal year, the department shall direct funds appropriated in Section VIII.A.1. Aid To  
19 Districts to school districts and special schools for supplemental support of programs and services for students with disabilities, to  
20 meet the estimated maintenance of effort for IDEA. Funds provided for the maintenance of effort for IDEA may not be transferred  
21 to any other purpose and therefore are not subject to flexibility. The department shall distribute these funds using the current fiscal  
22 year one hundred thirty-five day Average Daily Membership. For continued compliance with the federal maintenance of efforts  
23 requirements of the IDEA, funding for children with disabilities must, to the extent practicable, be held harmless to budget cuts or  
24 reductions to the extent those funds are required to meet federal maintenance of effort requirements under the IDEA. In the event  
25 cuts to funds that are needed to maintain fiscal effort are necessary, when administering such cuts, the department must not reduce  
26 funding to support children with disabilities who qualify for services under the IDEA in a manner that is disproportionate to the level  
27 of overall reduction to state programs in general. By December 1, ~~2015~~ 2016, the department must submit an estimate of the IDEA  
28 MOE requirement to the General Assembly and the Governor.

29 **1A.34.** (SDE-EIA: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, \$800,000  
30 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally  
31 certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical  
32 contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July ~~first~~ 31st and  
33 the Department of Education must award a minimum of one grant of at least \$150,000 in at least four of these specified career clusters  
34 to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams  
35 graded by a national industry organization and must include in their grant request how the money will be spent to further industry-  
36 specific career technology education; a description and history of their program nationally and within South Carolina; estimates of

1 future employment growth in their industry; and the national scope of their program. By August first of the following year, the  
2 organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of  
3 increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students  
4 in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career  
5 awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development  
6 and training; post-secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs;  
7 programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and  
8 administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences  
9 including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology  
10 Education of the department will develop goals with each career cluster on the number of new schools using the industry-based  
11 curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in  
12 part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs.  
13 Organizations may carry-over grants for up to three years when a large project is identified in the grant application to be used at a  
14 future date; otherwise excess funds must be returned to the state. Organizations awarded must submit a semi-annual programmatic  
15 and financial report on the last day of December in addition to the final report due August first that has been audited by a third party  
16 accounting firm.

17 **1A.35.** (SDE-EIA: Partnerships/Other Agencies & Entities) For the current fiscal year, agencies and other entities receiving funds  
18 appropriated in Part IA, Section 1, VIII.E. will continue to report annually to the Education Oversight Committee (EOC). Any entity  
19 receiving funds that must flow through a state agency will receive those funds through the EOC. The EOC will make funding  
20 recommendations to the Governor and General Assembly as part of the agency's annual budget request.

21 **1A.36.** (SDE-EIA: ETV Teacher Training/Support) Of the funds appropriated in Part IA, Section 1, VIII.E. South Carolina  
22 Educational Television must provide training and technical support on the educational resources available to teachers and school  
23 districts.

24 **1A.37.** (SDE-EIA: Career and Technology Education Consumables) ~~A maximum of twenty-five percent of the funds appropriated~~  
25 ~~for Modernize Vocational Equipment, Career and Technology Education may be utilized to purchase textbooks, instructional~~  
26 ~~materials and other consumables used in classroom instruction. The department may carry forward unexpended Modernize~~  
27 ~~Vocational Equipment and Tech Prep funds to be used for the same purpose.~~

28 **1A.38.** (SDE-EIA: Teacher Salaries/SE Average) The projected Southeastern average teacher salary shall be the average of the  
29 average teachers' salaries of the southeastern states as projected by the Revenue and Fiscal Affairs Office. For the current school  
30 year the Southeastern average teacher salary is projected to be ~~\$49,796~~ \$51,495. The General Assembly remains desirous of raising  
31 the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to  
32 the national average teacher salary.

33 The statewide minimum teacher salary schedule used in Fiscal Year 2012-13 will continue to be used in Fiscal Year ~~2015-16~~ 2016-  
34 17.

35 Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all  
36 eligible certified teachers employed by the district by no less than one year of experience credit using the district salary schedule

1 utilized the prior fiscal year as the basis for providing the step. Application of this provision must be applied uniformly for all eligible  
2 certified teachers.

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

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

9 **1A.39.** (SDE-EIA: PowerSchool Dropout Recovery Data) With the funds appropriated to the Department of Education for  
10 PowerSchool and data collection, the department will begin in the current fiscal year to collect data from schools and school districts  
11 on the number of students who had previously dropped out of school and who reenrolled in a public school or adult education to  
12 pursue a high school diploma. The Education Oversight Committee working with the Department of Education will determine how  
13 to calculate a dropout recovery rate that will be reflected on the annual school and district report cards.

14 **1A.40.** (SDE-EIA: Assisting, Developing and Evaluating Professional Teaching -ADEPT) With funds appropriated in the current  
15 fiscal year, the Department of Education, school districts, the Department of Juvenile Justice and special schools of the state may  
16 continue implementation of the ADEPT program. Governing boards of public institutions of higher education may provide by policy  
17 or regulation for a tuition waiver for the tuition for one three-hour course at that institution for those public school teachers who serve  
18 as supervisors for full-time students completing education degree requirements. Unexpended funds appropriated for this purpose  
19 may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purposes.

20 **1A.41.** (SDE-EIA: Assessment Preparation) ~~From the funds appropriated in Part IA for Assessment Preparation, the Department~~  
21 ~~of Education shall institute a plan reviewing the strengths and weaknesses of students on national assessments such as, but not limited~~  
22 ~~to, the SAT, ACT, WorkKeys, GED, Advanced Placement exams, and International Baccalaureate exams. The department shall use~~  
23 ~~reports that analyze student strengths and weaknesses to provide guidance to local school districts.~~

24 **1A.42.** (SDE-EIA: National Board Certification Incentive) Public school classroom teachers to include teachers employed at the  
25 special schools or classroom teachers who work with classroom teachers to include teachers employed at the special schools who are  
26 certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards or  
27 completed the application process prior to July 1, 2010 shall be paid a \$7,500 salary supplement beginning July first in the year  
28 following the year of achieving certification, beginning with 2009 applicants. The special schools include the Governor's School  
29 for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School,  
30 School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500  
31 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500  
32 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll  
33 procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall administer the  
34 programs whereby teachers who are United States citizens or permanent resident aliens, and who applied to the National Board for  
35 Professional Teaching Standards for certification prior to July 1, 2010, may receive a loan equal to the amount of the application fee.  
36 Teachers who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 shall have

1 one-half of the loan principal amount and interest forgiven when the required portfolio is submitted to the national board. Teachers  
2 who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010 who attain certification  
3 within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously  
4 submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts,  
5 shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds  
6 collected from educators who are in default of the National Board loan shall be retained and carried forward by the department. The  
7 department may retain up to ten percent of the funds collected to offset the administrative costs of loan collection. All other funds  
8 shall be retained by the department and used for National Board loan purposes. Of the funds appropriated in Part IA, Section 1,  
9 VIII.C.2. for National Board Certification, the Department of Education shall transfer to the Center for Educator Recruitment,  
10 Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program for teachers  
11 who applied to the National Board for Professional Teaching Standards for certification prior to July 1, 2010. In addition, teachers  
12 who have applied prior to July 1, 2010 and are certified by the National Board for Professional Teaching Standards shall enter a  
13 recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification.  
14 National board certified teachers who have been certified by the National Board for Professional Teaching Standards or completed  
15 the application process prior to July 1, 2010 moving to this State who hold a valid standard certificate from their sending state are  
16 exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status.  
17 Their recertification cycle will be consistent with national board certification.

18 Provided, further, that in calculating the compensation for teacher specialists, the Department of Education shall include state and  
19 local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board  
20 certification. Teacher specialists remain eligible for state supplement for National Board certification.

21 **1A.43.** (SDE-EIA: Educational Partnerships) The funds provided to the Center for Educational Partnerships at the College of  
22 Education at the University of South Carolina will be used to create a consortium of educational initiatives and services to schools  
23 and communities. These initiatives will include, but are not limited to, professional development in writing, geography and other  
24 content areas; training; research; advocacy; and practical consultancy. The Center will establish collaborative educational enterprises  
25 with schools, school districts, parents, communities, and businesses while fulfilling the responsibilities of the School Improvement  
26 Council Assistance. The Center will focus on connecting the educational needs and goals of communities to improve efficiency and  
27 effectiveness.

28 **1A.44.** (SDE-EIA: STEM Centers SC) All EIA-funded entities that provide professional development and science programming  
29 to teachers and students should be included in the state's science, technology, engineering and mathematics education strategic plan.

30 **1A.45.** (SDE-EIA: EOC Partnerships for Innovation) Of the funds appropriated or carried forward from the prior fiscal year, the  
31 Education Oversight Committee is directed to participate in public-private partnerships to promote innovative ways to transform the  
32 assessment of public education in South Carolina that support increased student achievement in reading and college and career  
33 readiness. The Education Oversight Committee may provide financial support to districts and to public-private partnerships for  
34 planning and support to implement, sustain and evaluate the innovation and to develop a matrix and measurements of student  
35 academic success based on evidence-based models. These funds may also focus on creating public-private literacy partnerships  
36 utilizing a 2:1 matching funds provision when the initiative employs research-based methods, has demonstrated success in increasing

1 reading proficiency of struggling readers, and works directly with high poverty schools and districts. The committee will work to  
2 expand the engagement of stakeholders including state agencies and boards like the Educational Television Commission, businesses,  
3 and higher education institutions. The committee shall annually report to the General Assembly on the measurement results.

4 **1A.46.** (SDE-EIA: Aid to Districts Draw Down) For the current fiscal year, in order to draw down funds appropriated in Part IA,  
5 Section 1, VIII.A.1, Aid to Districts, school districts, Palmetto Unified District and the Department of Juvenile Justice must work  
6 with local law enforcement agencies, and when necessary, state law enforcement agencies in order to ensure that the district has an  
7 updated school safety plan in place. The safety plan must include safety directives in the classroom, a safe student and staff exit  
8 strategy and necessary safety staff. Notice of completion of the updated plan must be submitted to the Department of Education no  
9 later than September first, of the current fiscal year. The department must report to the Chairman of the House Ways and Means  
10 Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Senate Finance Committee  
11 and the Chairman of the Senate Education Committee by September thirtieth, of the current fiscal year, on any districts that failed to  
12 submit an updated plan.

13 **1A.47.** (SDE-EIA: Education and Economic Development Act Carry Forward) Funds provided for the Education and Economic  
14 Development Act may be carried forward into the current fiscal year to be expended for the same purposes by the department, school  
15 districts, and special schools.

16 **1A.48.** (SDE-EIA: EEDA Regional Education Centers) Funds appropriated from the EEDA for Regional Education Centers must  
17 not be less than \$108,500.

18 **1A.49.** (SDE-EIA: Teach for America SC) Because Teach For America SC receives EIA funds in the current fiscal year, school  
19 districts that partner with Teach For America SC are required to provide to Teach For America SC by September first annually,  
20 information on the prior year's academic achievement of students who were directly taught by Teach For America corps members.  
21 The information must be in a format that protects the identity of individual students and must include state assessment data as  
22 appropriate.

23 **1A.50.** (SDE-EIA: EOC-South Carolina Autism Society) Of the funds appropriated in Section 1A, VIII.E. Partnerships, Education  
24 Oversight Committee (A85), \$500,000 must be transferred in quarterly installments from the Education Oversight Committee to the  
25 South Carolina Autism Society for the Autism Parent-School Partnership Program. Beginning October 10, 2015, the South Carolina  
26 Autism Society shall provide a quarterly accounting report to the Chairman of the Senate Finance Committee, the Chairman of the  
27 House Ways and Means Committee and the Education Oversight Committee.

28 **1A.51.** (SDE-EIA: CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete  
29 periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF programs at the  
30 current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of Directors. Further,  
31 CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions  
32 who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA  
33 Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who  
34 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  
35 technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal  
36 to the Commission on Higher Education.



1 **1A.52.** (SDE-EIA: Surplus) For Fiscal Year ~~2015-16~~ 2016-17, EIA surplus funds from the prior fiscal year and not otherwise  
2 appropriated or authorized must be carried forward and expended on the following items:

- 3 1. EOC - Partnerships for Innovation - ~~\$900,000~~ \$2,800,000;
- 4 2. Allendale County School District - \$150,000;
- 5 3. Modernize Vocational Equipment - \$1,501,307;
- 6 4. ~~Assessment/Testing - \$7,300,000; and Industry Certification - \$3,000,000;~~
- 7 5. ~~Digital Music Materials as provided in FY 2014-15 - up to \$625,000~~ Adult Education - \$1,500,000;
- 8 6. Power Schools/Data Collection - \$1,952,000;
- 9 7. IT Academy - \$750,000; and
- 10 8. Instructional Development and Digital Content Curation - \$493,443.

11 Any additional funds carried forward and not otherwise appropriated or authorized may be used for Instructional Materials.

12 If excess EIA revenues are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata  
13 basis.

14 **1A.53.** (SDE-EIA: Public Charter Pupil Counts) With funds appropriated to the South Carolina Public Charter School District,  
15 the district must require each charter 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  
16 requirements shall include both Average Daily Membership and Weighted Pupil Unit membership. The South Carolina Public  
17 Charter School District shall then provide the data for each charter school to the Department of Education. Quarterly, the department  
18 will submit the information to the House Ways and Means Committee, the House Education and Public Works Committee, the Senate  
19 Finance Committee and the Senate Education Committee.

20 The South Carolina Public Charter School District must also require each virtual charter school to collect the following  
21 information: (1) the reason or reasons why each student enrolled in the virtual charter school district from both the parent(s) and the  
22 referring school district; and (2) the reason or reasons why a student withdrew from the virtual charter school district. This data must  
23 be provided to the Department of Education quarterly and must include the unique student identifier. The department, in turn, will  
24 provide summary information to the House Ways and Means Committee, the House Education and Public Works Committee, the  
25 Senate Finance Committee and the Senate Education Committee on the enrollment and withdrawal information.

26 **1A.54.** (SDE-EIA: South Carolina Public Charter School District Funding) The funds appropriated in Part IA, Section VIII.G. -  
27 South Carolina Public Charter School District must be allocated in the following manner to students at charter schools within the  
28 South Carolina Public Charter School District: Pupils enrolled in virtual charter schools sponsored by the South Carolina Public  
29 Charter School District shall receive \$1,900 per weighted pupil and pupils enrolled in brick and mortar charter schools sponsored by  
30 the South Carolina Public Charter School District shall receive \$3,600 per weighted pupil. Any unexpended funds, not to exceed ten  
31 percent of the prior year appropriation, must be carried forward from the prior fiscal year and expended for the same purpose. Any  
32 unexpended funds exceeding ten percent of the prior year appropriation must be transferred to the Charter School Facility Revolving  
33 Loan Program established in Section 59-40-175. For Fiscal Year 2016-17, the timelines set forth for ruling on charter school  
34 applications are extended for sixty calendar days for all applications submitted to the South Carolina Public Charter School District  
35 if the district determines that an applicant should be permitted to amend its application to meet the requirements of Section 59-40-  
36 60 and Section 59-40-70, of the 1976 Code, based on an applicant's proposal to address an existing achievement gap utilizing an

1 evidence-based educational program in an underserved geographical area of the state including, but not limited to, charter schools  
2 proposed to be located in any school district that is a plaintiff in the Abbeville law suit. The Education Oversight Committee shall  
3 report the House Ways and Means Committee on the outcomes of this extended time for a hearing at the end of the application cycle.

4 **1A.55.** (SDE-EIA: Low Achieving Schools) ~~Of the funds appropriated to the Education Oversight Committee for Partnerships~~  
5 ~~for Innovation, \$500,000 must be allocated to support up to three low achieving schools in designing and planning for~~  
6 ~~implementation innovative, research-based strategies focused on recruiting and retaining highly effective teachers and on increasing~~  
7 ~~time on task through the amount of time, the quality of instruction and the engagement of students. The committee will assist the~~  
8 ~~schools in determining the evidence that will be collected to measure the effectiveness of the initiative and in identifying resources~~  
9 ~~to support the initiative and in collaborating with TransformSC.~~

10 **1A.56.** (SDE-EIA: Public Charter School District Hold Harmless) ~~For Fiscal Year 2015-16, the South Carolina Public Charter~~  
11 ~~School District must use up to \$3,000,000 in prior year carry forward funds to hold its schools harmless from any reduction in funds~~  
12 ~~as a result of changes to the EFA weightings in the current fiscal year.~~

13 **1A.57.** (SDE-EIA: TransformSC) Of the funds appropriated to the Education Oversight Committee for Partnerships for  
14 Innovation, at least \$400,000 shall be allocated to the TransformSC public-private project.

15 **1A.58.** (SDE-EIA: Palmetto Priority School) ~~Of the funds appropriated for EAA Technical Assistance, up to \$2,200,000 must be~~  
16 ~~expended to provide \$200,000 to each school that was designated by the department as a Palmetto Priority School in the prior year,~~  
17 ~~but did not receive an allocation of EIA technical assistance funds in the prior fiscal year to improve teacher recruitment and retention,~~  
18 ~~to reduce the district's dropout rate, to improve student achievement in reading/literacy, or to train teachers in how to teach children~~  
19 ~~of poverty as stipulated in the school's renewal plan. If funds are not sufficient to provide \$200,000 to each qualifying school, the~~  
20 ~~\$200,000 shall be reduced on a pro-rata basis.~~

21 **1A.59.** (SDE-EIA: CDEPP Student Information and Reporting) For the current fiscal year, the Department of Education and the  
22 Office of First Steps to School Readiness must acquire unique student identifiers or SUNS numbers for each student enrolled in the  
23 CDEPP program no later than the 45th day and must provide a report of such to the House Ways and Means Committee, the House  
24 Education Committee, the Senate Finance Committee, the Senate Education Committee and the Education Oversight Committee by  
25 November first. The Department of Education and the Office of First Steps to School Readiness must provide any information  
26 required by the Education Oversight Committee for the annual CDEPP report no later than November thirtieth.

27 **1A.60.** (SDE-EIA: BabyNet Early Intervention Autism Therapy) The \$814,348 in funds appropriated in this act to the Office of  
28 First Steps to School Readiness for BabyNet Autism Therapy must be used only to increase the BabyNet autism therapy provider  
29 hourly rate and the individual hourly pay of line therapists during the current fiscal year. The Office of First Steps must consult with  
30 the Department of Disabilities and Special Needs regarding the implementation of these increases. The Office of First Steps must  
31 ensure that, prior to payment, these line therapists meet all current state requirements. It is the intent of the General Assembly that  
32 these monies be used solely for the purpose of increasing the BabyNet autism therapy provider rate to \$13.58 per hour or the current  
33 Medicaid rate, whichever is higher, and the hourly pay to individual line therapists being increased to a minimum of \$10.00 per hour.  
34 Quarterly, the Office of First Steps must send a letter to the Chairman of the Senate Finance Committee and the Chairman of the  
35 House Ways and Means Committee reporting on their compliance with the requirements of this proviso. The report must include

1 information regarding the expenditure of state funds as well as the receipt and expenditure of Federal Medicaid funds associated with  
2 the program.

3 **1A.61.** (SDE-EIA: Charter School Funding-Chartered by Institution of Higher Education) Pupils enrolled in a brick and mortar  
4 charter school authorized by an approved institution of higher education located in this state shall receive \$3,600 per weighted pupil  
5 and pupils enrolled in a virtual charter school authorized by an approved institution of higher education located in this state shall  
6 receive \$1,900 per weighted pupil from the funds appropriated in Part IA, Section VIII.G. - South Carolina Public Charter School -  
7 Institution of Higher Education. Any unexpended funds, not to exceed ten percent of the prior year appropriation, must be carried  
8 forward from the prior fiscal year and expended for the same purpose. Any unexpended funds exceeding ten percent of the prior  
9 year appropriation must be transferred to the Charter School Facility Revolving Loan Program established in Section 59-40-175, of  
10 the 1976 Code.

11 **1A.62.** (SDE-EIA: Technology Professional Development) Of the funds appropriated in Section VIII.C.3 for Professional  
12 Development, \$4,000,000 shall be designated for use as professional development for the use of classroom technology. Funds  
13 designated for technology-related professional development shall be distributed to each school district or special school in proportion  
14 to the previous year's one hundred thirty-five day average daily membership. Districts must report by June fifteenth of the current  
15 fiscal year on the amount of funds expended, the types of activities funded by the district, and the number of teachers participating  
16 in the activity on a form prescribed by the department.

17 **1A.63.** (SDE-EIA: Technology/Device Pilot Project) ~~For the current fiscal year, the Department of Education is authorized to~~  
18 ~~utilize up to \$4,500,000 of available carry forward funds, not including CDEPP or 4K funds, for the purchase of electronic devices~~  
19 ~~and digital content. The Department of Education may select up to six school districts to participate in this pilot project. For purposes~~  
20 ~~of this pilot, digital content is not defined as the digital equivalent of printed instructional material. Districts receiving approval from~~  
21 ~~the State Board of Education may purchase devices and digital content directly from a state approved vendor.~~

22 ~~In order to best serve schools and students within the school district, the school district must develop an implementation plan~~  
23 ~~listing the devices and digital content by grade level and subject and the implementation plan must be presented to the local school~~  
24 ~~board in a public meeting for approval and be made available to the public on the school district website prior to the public school~~  
25 ~~board meeting.~~

26 ~~The department must provide a certification form for a local school board on behalf of the school district to approve in a public~~  
27 ~~meeting, have signed by the board chairman and district superintendent requesting approval for funding based on the number of~~  
28 ~~students in the schools participating in the pilot. The department must develop the certification form with the intent of assisting~~  
29 ~~school districts with meeting State Board of Education approval.~~

30 ~~Upon school board approval, and no later than July twenty fifth, the certification form and the detailed plan must be submitted to~~  
31 ~~the department for State Board of Education approval. The State Board of Education must notify the school district of their decision~~  
32 ~~to approve or disapprove no later than August fifteenth. If a school district does not receive State Board of Education approval the~~  
33 ~~valid cause along with measurements necessary for the school district to meet approval must be provided to the local school board.~~  
34 ~~The school district may make the required adjustments to their implementation plan and resubmit their certification form and plan to~~  
35 ~~the State Board of Education for subsequent approval no later than ten days from the date of resubmission.~~

1 The school district may utilize no more than ten percent of the funds for professional development on the use of the acquisitions  
2 and must utilize no less than ninety percent of the funding received for the acquisition of devices and digital content. If approved  
3 the school district is required to ensure that all participating students in the pilot have access to the curriculum needed without regard  
4 to the student's home internet access capabilities.

5 The school district shall establish rules and policies that provide for the reasonable care and safety of the materials to include  
6 reasonable penalties for abuse, destruction, and loss and excluding ordinary wear and tear, provide for reimbursement by the pupils,  
7 their parents or legal guardians.

8 No later than December 15, 2015, the department shall provide a report outlining the implementation and use in the selected  
9 districts to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the  
10 House Ways and Means Committee and the Chairman of the House Education and Public Works Committee.

11 **1A.64.** (SDE-EIA: Rural Teacher Recruiting Incentive) (A) There is created a program within the South Carolina Center for  
12 Educator Recruitment, Retention, and Advancement (CERRA) to recruit and retain classroom educators in rural and underserved  
13 districts experiencing excessive turnover of classroom teachers on an annual basis.

14 (B) During ~~Fiscal Year 2015-16~~ *the current fiscal year* CERRA shall develop *publish* eligibility requirements and applications  
15 for individual educators, school districts, and institutions of higher education not inconsistent with existing licensure requirements  
16 for each, but also including:

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

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

22 (3) Institutions of higher education eligible to receive education funding as a component of recruiting incentives created  
23 pursuant to item (C) of this section shall not be excluded from participation in Teaching Fellows Program ~~in accordance with~~ provide  
24 ~~1A.57 of this Act.~~

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

27 (C) Pursuant to item (A), CERRA shall develop a set of incentives including, but not limited to, salary supplements, education  
28 subsidies, professional development, and mentorship to be provided to classroom educators that offer instructional services in eligible  
29 districts. ~~The incentives and implementation shall be developed in consultation with the State Department of Education and the~~  
30 ~~Education Oversight Committee,~~ and shall provide incentive options for eligible individuals at all stages of their careers, including  
31 high-school and college or university students interested in entering the teaching profession.

32 *At a minimum, the incentives shall include:*

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

1 (2) Development of a program for forgiveness for other student loans, not to exceed \$7,500 per year, to be administered by  
2 the South Carolina Student Loan Corporation. Teachers participating in this incentive shall receive loan forgiveness at a rate of  
3 one year for each year of service as a teacher.

4 (3) Development of a forgivable loan program for individuals pursuing graduate coursework in furtherance of a teaching  
5 career, to be administered by the SC Student Loan Corporation, including enrollment in graduate-level coursework necessary to  
6 seek additional credentialing or certification relevant to the participant's teaching practice, or individuals seeking an alternative  
7 pathway to certification as a teacher.

8 (4) Support for the establishment and maintenance of a teaching mentorship program, including salary supplements for  
9 teaching mentors not to exceed \$5,000 per year for a period of time not to exceed 5 years.

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

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

17 ~~(D E)~~ CERRA shall report by ~~January 15, 2016~~ July 31 of the current fiscal year to the Governor, President pro Tempore of the  
18 Senate, and Speaker of the House on the incentives developed pursuant to item (C) of this section and make recommendations for  
19 attracting and retaining high quality teachers in rural and underserved districts. The report shall contain at a minimum eligibility  
20 requirements and application processes for districts and individuals, descriptions of and proposed budgets for each incentive program  
21 and an analysis of the number and demographics of individuals potentially eligible for each.

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

24 **1A.65.** (SDE-EIA: Project Read) Of the funds appropriated in Section 1A. VIII.A.3. for Reading, \$500,000 must be used for  
25 teacher in-service training and professional development related to Project Read. The department may set accountability guidelines  
26 to ensure that funds are spent in accordance with the proviso.

27 **1A.66.** (SDE: ~~Reading~~ Reading Literacy Coaches) (A) Funds appropriated for ~~Reading~~ Reading Literacy Coaches must be allocated to school  
28 districts by the Department of Education as follows:

29 (1) for each elementary school in which twenty percent or more of the students scored ~~Not Met~~ below proficient on the  
30 reading and research test in the most recent year for which such data are available, the school district shall be eligible to receive the  
31 lesser of either up to \$62,730 or the actual cost of salary and benefits for a full-time ~~reading~~ reading literacy coach; and

32 (2) for each elementary school in which fewer than twenty percent of the students scored ~~Not Met~~ below proficient on the  
33 reading and research test during the same period, the school district shall be eligible to receive the lesser of either up to \$31,365 or  
34 fifty percent of the actual cost of salary and benefits for a full-time ~~reading~~ reading literacy coach. A school district must provide local  
35 support for state funds provided under this paragraph. School districts may use existing local funds currently used for reading  
36 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 coaches~~ *literacy coaches* with local  
 3 funds. A district may, however, assign a ~~reading~~ *literacy* coach to a primary school rather than to the elementary school to improve  
 4 the early literacy skills of young children.

5 (C) Funds appropriated for ~~Reading Coaches~~ *Literacy coaches* are intended to be used to provide elementary schools with ~~reading~~  
 6 *literacy* coaches, who shall serve as job-embedded, stable resources for professional ~~development~~ *learning opportunities* throughout  
 7 schools in order to generate improvement in reading and literacy instruction and student achievement. ~~Reading coaches~~ *Literacy*  
 8 *coaches* shall support and provide initial and ongoing professional ~~development~~ *learning opportunities* to teachers based on an  
 9 analysis of ~~student assessment and data~~, the provision of differentiated instruction, and intensive ~~intervention~~ *interventions*. The  
 10 ~~reading coach shall~~ *Schools and districts accepting funding to support a coaching position agree to the following:*

11 (1) *Literacy coaches shall* model effective instructional strategies for teachers ~~by working weekly with students in whole,~~  
 12 ~~and small groups, or individually;~~

13 (2) *Literacy coaches shall* facilitate ~~study groups~~ *professional learning opportunities for educators and leadership teams*  
 14 *through work with students in demonstration lessons by modeling instructional strategies;*

15 (3) *Literacy coaches shall* train teachers in data analysis and using data to ~~differentiated~~ *differentiate* instruction;

16 (4) *Literacy coaches shall* ~~coaching and mentoring~~ *coach and mentor* colleagues;

17 (5) *Literacy coaches shall* work with teachers to ensure that ~~research~~ *evidence*-based reading ~~programs~~ *strategies* are  
 18 implemented with fidelity;

19 (6) ~~work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for~~  
 20 ~~those teachers, activities, and roles~~ *Literacy coaches shall coordinate literacy and instructional strategies across the school* that will  
 21 have the greatest impact on student achievement, ~~namely coaching and mentoring in the classrooms~~ *at both the school and district*  
 22 *level;*

23 (7) *Literacy coaches shall* help lead and support ~~reading~~ *literacy* leadership teams; ~~and.~~

24 (8)

25 (D) The ~~reading~~ *literacy* coach must not be assigned a regular classroom teaching assignment, must not serve ~~as~~ as *an*  
 26 administrator, must not perform administrative functions that deter from the flow of improving reading instruction and reading  
 27 performance of students, and must not devote a significant portion of his or her time to administering or coordinating assessments.  
 28 *School districts may utilize literacy coaches as interventionists as included in the district reading plan and when supported by*  
 29 *assessment data showing the district reading plan is improving literacy.*

30 (E) ~~No later than February 1, 2016, the~~ *The* Department of Education must publish guidelines that define the minimum  
 31 qualifications for a ~~reading~~ *literacy* coach for ~~Fiscal Year 2015-16~~. These guidelines must deem any licensed/certified teacher  
 32 qualified if, at a minimum, he or she:

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

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

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

1 Within these guidelines, the Department of Education must ~~also establish a process for Fiscal Year 2015-16 through which an~~  
2 ~~elementary school may be permitted to use some or all of the allocation granted under subsection (A) in order to obtain in-school~~  
3 ~~reading coaching services from a department approved consultant or vendor, *assist districts in identifying a literacy coach* in the~~  
4 ~~event that the school is not successful in identifying and directly employing a qualified candidate. The provisions of subsection (A),~~  
5 ~~including the local support requirements, shall also apply to any allocations made pursuant to this paragraph.~~

6 (~~E~~ F) The Department of Education must develop procedures for monitoring the use of funds appropriated for ~~Reading Coaches~~  
7 ~~*literacy coaches*~~ to ensure they are applied to their intended uses and are not redirected for other purposes. The Department of  
8 Education may receive up to \$100,000 of the funds appropriated for ~~Reading Coaches~~ ~~*literacy coaches*~~ in order to implement this  
9 program, provided that this allocation does not exceed the department's actual costs.

10 (~~F~~ G) Prior to the close of the current fiscal year, any ~~remaining~~ ~~*unspent or unallocated*~~ funds for ~~Reading Coaches, *literacy*~~  
11 ~~*coaches*~~ but no more than \$5,000,000, shall be distributed by the Department of Education among the school districts containing  
12 elementary or primary schools that were eligible for and which elected to receive funding under subsection (A)(1) of this proviso;  
13 ~~these funds shall be distributed in proportion to these districts' relative shares of students who scored Not Met on the research and~~  
14 ~~reading test in the most recent year for which such data are available *used to fund Summer Reading*. Funds distributed under this~~  
15 ~~subsection must be used exclusively to support reading related professional development opportunities for teachers that lead to the~~  
16 ~~literacy add-on endorsement.~~

17 (~~G~~ H) The Department of Education shall require:

18 (1) any school district receiving funding under subsection (A) to identify the name and qualifications of the supported  
19 ~~reading *literacy* coach; as well as the school in which the coach is assigned along with the rationale for how the school selection was~~  
20 ~~made; and~~

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

22 (~~H~~ I) With the data reported by the school districts, the department shall report by January fifteenth of the current fiscal year on  
23 the hiring of and assignment of ~~reading *literacy* coaches by school and on the expenditure of professional development funds for~~  
24 ~~opportunities for teachers to earn the literacy endorsement. The department shall also report the amount of funds that will be carried~~  
25 ~~forward *used for Summer Reading Camps*.~~

26 (~~I~~ J) Funds appropriated for ~~Reading Coaches~~ ~~*literacy coaches*~~ shall be retained and carried forward to be used for the same  
27 purpose but may not be flexed.

28 (~~J~~ K) For Fiscal Year ~~2015-16~~ ~~2016-17~~, if increased funding for ~~reading *literacy* coaches~~ is not sufficient to provide additional  
29 ~~reading *literacy* coaches at each elementary school then the funding must be targeted to the areas of greatest need based on the~~  
30 ~~number of students substantially failing to demonstrate reading proficiency as indicated on the prior year's state assessment.~~

31 **1A.67.** (SDE-EIA: Digital Instructional Materials) The Department of Education shall create an instructional materials list  
32 composed of those items (print and/or digital) that have received State Board of Education approval through the normal adoption  
33 process. The department shall continue to work with the publishers of instructional materials to ensure that districts who wish to  
34 receive both the digital version and class sets of textbooks may be awarded that option. Funds appropriated for the purchase of  
35 textbooks and other instructional materials may be used for reimbursing school districts to offset the costs of refurbishing science  
36 kits on the state-adopted textbook inventory, purchasing new kits from the central textbook depository, or a combination of

1 refurbishment and purchase. The refurbishing cost of kits may not exceed the cost of the state-adopted refurbishing kits plus a  
2 reasonable amount for shipping and handling. Costs for staff development, personnel costs, equipment, or other costs associated  
3 with refurbishing kits on state inventory are not allowable costs. Funds provided for Instructional Materials may be carried forward  
4 from the prior fiscal year into the current fiscal year to be expended for the same purposes by the department, school districts, and  
5 special schools. These funds are not subject to flexibility. Digital Instructional Materials shall include the digital equivalent of  
6 materials and devices.

7 **1A.68.** (SDE-EIA: 4K Early Literacy Competencies Assessments) Of the funds carried forward from the full-day 4K program  
8 from the previous fiscal year, the Department of Education is authorized to expend up to \$800,000 on assessments and professional  
9 development to analyze the early literacy competencies of children in publicly funded prekindergarten. The department, ~~in~~  
10 ~~consultation with the Office of First Steps, will select up to three formative~~ *shall manage the administration of* assessments that  
11 analyze the early literacy and language development of children in publicly funded prekindergarten *as done in the prior fiscal year.*  
12 Each school district and private provider participating in a publicly funded prekindergarten program will administer one of the  
13 formative assessments selected by the department to each child eligible for and enrolled in a publicly funded prekindergarten program  
14 during the first forty-five days of the school year and during the last forty-five days of the school year. *Accommodations that do not*  
15 *invalidate the results of these assessments must be provided in the manner set forth by the student's Individualized Education*  
16 *Program or 504 Accommodations Plan.* ~~School districts and private providers will be allocated \$15 per child assessed to cover the~~  
17 ~~cost of the formative assessment. School districts and private providers are required to report electronically the results of each~~  
18 ~~individual assessment to the department using a form that must include the unique student identifier and any other information~~  
19 ~~prescribed by the department. In turn, the~~ *The* department will provide the assessment data to the Education Oversight Committee.  
20 The results of the assessment and the developmental intervention strategies recommended or services needed to address the child's  
21 identified needs must also be provided, in writing, to the parent or guardian. The assessment may not be used to deny a student to  
22 admission to prekindergarten.

23 Furthermore, \$2,000,000 of the funds appropriated for half-day programs for four-year-olds and funds carried forward from  
24 assessment must be expended by the Department of Education to administer the Developmental Reading Assessment® 2nd Edition  
25 PLUS to implement the progress monitoring system required by the Read to Succeed Act of 2014 and to evaluate the early literacy  
26 and language competencies of each child entering kindergarten in the public schools. The assessment of kindergarten students must  
27 be administered at a minimum of once during the first forty-five days of the school year and once during the last forty-five days of  
28 the school year with the results collected by the department. The results of the assessments and the developmental intervention  
29 strategies recommended or services needed to address each child's identified needs must also be provided, in writing, to the parent  
30 or guardian. The assessment may not be used to deny a student admission to kindergarten. *Accommodations that do not invalidate*  
31 *the results of these assessments must be provided in the manner set forth by the student's Individualized Education Program or 504*  
32 *Accommodations Plan.* Districts are given the option of designating up to two days of the one hundred eighty day school calendar  
33 to administer the assessment to kindergarten students. The department will also provide the results of the assessment of kindergarten  
34 students to the Education Oversight Committee. With available funds, the department will also provide or secure training for  
35 appropriate educators in how to administer the assessment. In addition the department may pilot in kindergarten classes one or more



1 comprehensive readiness assessments that address the other domains in numeracy, approaches to learning, social and emotional  
2 development, and physical well-being in the current school year.

3 **1A.69.** (SDE-EIA: Teacher Supply Study) With funds appropriated to the Center for Educator Recruitment, Retention, and  
4 Advancement (CERRA), in concert with the Commission on Higher Education, the Department of Education, and the Education  
5 Oversight Committee, CERRA shall initiate and conduct a study to identify and project the number of additional teachers needed  
6 annually in public school classrooms for grades K5 through 12, for school years beginning 2017 through 2027. The purpose of the  
7 study shall be to: (1) provide specific data and projections on the number of teachers expected to be needed as compared to the  
8 number available, by Subject Areas Taught as indicated in CERRA's annual Supply and Demand Report, and with a focus on critical  
9 need subject areas; (2) determine whether, individually and collectively, teaching programs at applicable institutions of higher  
10 learning in South Carolina have the capacity and infrastructure to fulfill projected needs in item (1); and (3) provide data for general  
11 use in estimating the fiscal impact of any new or revised programs being considered to incent more talented individuals to enter  
12 teacher training programs and more highly qualified teachers to remain in the profession for longer periods of time.

13 **1A.70.** (SDE-EIA: Statewide Assessment Procurement) ~~With the funds appropriated and carried forward for assessment, the~~  
14 ~~Department of Education, in consultation with the State Board of Education and the Education Oversight Committee pursuant to~~  
15 ~~Section 59-18-320 of the 1976 Code, is directed to issue a procurement for a statewide assessment to students in grades 3 through 8~~  
16 ~~in English/language arts and mathematics that meet the requirements of the Education Accountability Act as amended by Act 200 of~~  
17 ~~2014. The assessment must be a rigorous, achievement assessment that measures student mastery of the SC College and Career-~~  
18 ~~Ready Standards, that provides timely reporting of results to educators, parents, and students, and that measures each student's~~  
19 ~~progress toward college and career readiness.~~

20 ~~In addition, the Department of Education, in consultation with the State Board of Education and the Education Oversight~~  
21 ~~Committee pursuant to Section 59-18-320, is directed to issue a procurement for a statewide assessment of students in grade 11 that~~  
22 ~~meets the requirements of the Education Accountability Act as amended by Act 155 of 2014. The procured assessments are to be~~  
23 ~~administered in school year 2015-16.~~

24 **1A.71.** (SDE-EIA: CDEPP Unexpended Funds) For Fiscal Year ~~2015-16~~ 2016-17, the Office of First Steps to School Readiness  
25 is ~~directed~~ permitted to retain the first \$2,000,000 of any unexpended CDEPP funds ~~from~~ of the prior fiscal year and expend these  
26 funds to enhance the quality of the full-day 4K program in private centers and provide professional development opportunities. If  
27 by August 15th, school districts eligible to receive full-day 4K funding opt to not participate in the program, the Department of  
28 Education is authorized to utilize unexpended funds to increase participation on a per pupil basis for districts eligible for  
29 participation who have a documented waiting list. The per pupil allocation must conform with the appropriated amount contained  
30 in this Act. No later than April 1, ~~2016~~ 2017, the Office of First Steps must report to the Chairman of the Senate Finance Committee  
31 and the Chairman of the House Ways and Means Committee on the expenditure of these funds to include the following information:  
32 the amount of money used and specific steps and measures taken to enhance the quality of the 4K program and the amount of money  
33 used for professional development as well as the types of professional development offered and the number of participants.

34 ~~By August first, the Office of First Steps is directed to allocate any unexpended CDEPP funds from the prior fiscal year and any~~  
35 ~~CDEPP funds carried forward from prior fiscal years that were transferred to the restricted account for the purposes:~~

- 36 1. ~~Department of Education—\$4,250,000 for full-day 4K; and~~

1           2. Education Oversight Committee – \$2,000,000 for the South Carolina Community Block Grants for Education Pilot Program.  
2           If carry forward funds are less than the amounts appropriated, funding for the items listed herein shall be reduced on a pro rata  
3 basis.

4           If any funds are remaining, they shall be transferred to the Department of Education to be expended only on full day 4K.

5           1A.72. (SDE-EIA: College and Career Readiness) Funds appropriated to the Department of Education for District College and  
6 Career Readiness Assistance must first be used to increase the capacity of districts that are or were the original trial and plaintiff  
7 school districts in the Abbeville law suit. Funds shall be used by the department to provide assistance to districts using appropriately  
8 experienced educators with demonstrated effectiveness in instructional leadership. Support shall include professional development,  
9 standards and learning support, instructional support, data analysis and leadership development resources to ensure that educators  
10 are equipped with the tools to provide students with high quality, personalized learning that supports the Profile of the South Carolina  
11 Graduate.

12           1A.73. (SDE-EIA: Industry Certifications/Credentials) The funds appropriated for Industry Certifications/Credentials must be  
13 allocated to school districts based upon the number of national industry exams administered in the prior school year. The department  
14 will identify the national industry exams that will be funded based upon the job availability in the state. School districts may carry  
15 forward funds from the prior fiscal year into the current fiscal year and expend the funds for the cost of national industry exams.  
16 The department shall work with the Department of Commerce, the Department of Employment and Workforce, state and local  
17 chambers of commerce and economic development offices and the Tech Board to ensure that students are aware of the industry  
18 required credentials for current job availability in the state organized by region.

19           1A.74. (SDE-EIA: Career and Technical Equipment Funding) Funds appropriated for Modernize Career and Technical  
20 Equipment will be distributed to school districts and multi-district career centers based on the prior year actual student enrollment  
21 for career and technology education courses, with no district or multi-district career center receiving less than \$50,000. Funds may  
22 be expended for the purchase of career and technical equipment, the up fitting of facilities and the purchase of consumables. Each  
23 district must include in the district plan submitted to the Office of Career and Technology Education information on other career  
24 and technical equipment available. The district must include, at a minimum, equipment located at the career center and at the  
25 technical college, information on the alignment of equipment to current industry jobs and needs in the state as recommended by  
26 career and technical program advisory committees. District plans must include charter schools within the school district offering at  
27 least one career and technical education complete program. School districts and career centers may carry forward unexpended  
28 funds to be used for the same intended purposes to up fit career and technical facilities and replace career and technical program  
29 consumables.

30           1A.75. (SDE-EIA: Digital Learning) Of the funds appropriated to the Education Oversight Committee for Partnerships for  
31 Innovation, \$1,900,000 will be authorized to be utilized to enter into one-year memoranda of agreements with public and private  
32 entities to pilot computer science initiatives in schools and school districts. The initiatives must focus on improving the digital  
33 literacy skills of students and teachers, expanding opportunities for students to learn coding, or providing computer science  
34 curriculum. To this end, at least \$1,500,000 must be authorized for schools or school districts that have poverty indices of eighty  
35 percent or greater or are a trial or plaintiff district in the Abbeville equity lawsuit. In these districts, the EOC will pilot a program

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

3 1A.76. (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.77. (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  
12 guidelines through which Family Connection South Carolina shall provide planning documents to the department not later than July  
13 15 of the current fiscal year, and quarterly reporting of expenditures thereafter; and a performance report submitted annually.

14 1A.78. (SDE-EIA: Low Achieving Schools) Of the funds appropriated to the Education Oversight Committee for Partnerships for  
15 Innovation, \$500,000 shall be allocated to parent support initiatives and afterschool programs in historically underachieving  
16 communities.

17 1A.79. (SDE-EIA: Teacher Salaries Increase) For Fiscal Year 2016-17, the Department of Education is directed to increase the  
18 statewide salary schedule by two percent. A local school district board of trustees must provide all certified teachers paid on the  
19 teacher salary schedule a two percent salary increase. Districts are to provide this increase using the district salary schedule as its  
20 base. School districts shall utilize the additional funds made available from the Teacher Salary Supplement appropriation to provide  
21 the required one percent increase.

22 Additionally, for the current fiscal year, a local school district board of trustees must increase the salary compensation for all  
23 eligible certified teachers employed by the district by an amount equal to a step on the salary schedule for any teacher entering the  
24 23<sup>rd</sup> year if the district's salary schedule does not go beyond 22 years. Application of this provision must be applied uniformly for  
25 all eligible certified teachers. If a school district believes it will be unable to provide the required additional step without incurring  
26 a deficit, it may apply to the State Board of Education for a waiver from this requirement.

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

### 30 SECTION 3 - H660 - LOTTERY EXPENDITURE ACCOUNT

31  
32 **3.1.** (LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures  
33 of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.

34 For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission  
35 on Higher Education and the Executive Budget Office by October, 1, ~~2015~~ 2016, and these expenditures are subject to annual  
36 verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years. The annual

1 verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher Education and the  
 2 commission shall not assess a fee or charge institutions of higher learning for performing this function. In addition, the Commission  
 3 on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the  
 4 Chairman of the House Ways and Means Committee by October 1 each year summarizing, by institution, how lottery funds were  
 5 expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and concerns discovered as a  
 6 result of the commission's verification and/or audit activity during the prior fiscal year, if any. In addition, by January 15, ~~2016~~  
 7 2017, the commission shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means  
 8 Committee a detailed estimate of the cost for the commission to establish a statewide state scholarship and grant tracking system for  
 9 students.

10 For the Department of Education, adopted procedures to monitor expenditures of lottery funds that are allocated to the South  
 11 Carolina school districts and other recipient institutions according to law and Department of Education guidelines shall be reported  
 12 to the Executive Budget Office by October 1, ~~2015~~ 2016. In addition, the Department of Education shall provide a report to the  
 13 Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means  
 14 Committee on the amount of lottery funds the department distributed to each entity in the prior fiscal year.

15 All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget  
 16 Office by October 1, ~~2015~~ 2016.

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

19 **3.2.** (LEA: Election Day Sales) For the current fiscal year, Section 59-150-210(E) is suspended.

20 **3.3.** (LEA: FY 2015-16 Lottery Funding) ~~There is appropriated from the Education Lottery Account for the following education~~  
 21 ~~purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed~~  
 22 ~~below. These appropriations must be used to supplement and not supplant existing funds for education.~~

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

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

27 ~~For Fiscal Year 2015-16 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision~~  
 28 ~~are appropriated as follows:~~

29 ~~(1) Commission on Higher Education and State Board for Technical and Comprehensive~~

30 ~~Education Tuition Assistance \$ 47,400,000;~~

31 ~~(2) Commission on Higher Education LIFE Scholarships as provided in Chapter 149, Title 59 \$171,896,844;~~

32 ~~(3) Commission on Higher Education HOPE Scholarships as provided in Section 59-150-370 \$8,565,373;~~

33 ~~(4) Commission on Higher Education Palmetto Fellows Scholarships as provided in Section 59-104-20 \$38,691,990;~~

34 ~~(5) Commission on Higher Education Need Based Grants \$13,000,000;~~

35 ~~(6) Department of Education K-12 Technology Initiative \$18,870,793;~~

36 ~~(7) South Carolina State University \$ 2,500,000;~~

1 ~~(8) Commission on Higher Education—Need Based Grants \$2,600,000; and~~

2 ~~(9) Department of Education—New Bus Purchases—\$ 2,400,000.~~

3 ~~Fiscal Year 2015-16 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the~~  
4 ~~technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and~~  
5 ~~Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds.~~

6 ~~The funds appropriated above for South Carolina State University shall be utilized by the Interim Board of Trustees for~~  
7 ~~administrative functions of the interim board and for any other purpose deemed necessary by the interim board.~~

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

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

13 ~~Fiscal Year 2015-16 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment~~  
14 ~~earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for~~  
15 ~~Fiscal Year 2015-16 are fully funded.~~

16 ~~If the lottery revenue received for Fiscal Year 2015-16 is less than the amounts appropriated, the projects and programs receiving~~  
17 ~~appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be~~  
18 ~~applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.~~

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

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

24 ~~Funds appropriated to the Department of Education for the K-12 Technology Initiative shall be distributed to the public school~~  
25 ~~districts of the state, the special schools of the state and the South Carolina Public Charter School District, per pupil, based on the~~  
26 ~~previous year's one hundred thirty-five day average daily membership, according to the below calculations: (1) For a school district~~  
27 ~~with a poverty index of less than 75: \$35 per ADM; (2) For a school district with a poverty index of at least 75 but no more than 85:~~  
28 ~~\$50 per ADM; or (3) For a school district with a poverty index of greater than 85 or a special school with no defined poverty index:~~  
29 ~~\$70 per ADM.~~

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

33 ~~Funds distributed to a school district through the K-12 Technology Initiative may only be used for the following purposes: (1) To~~  
34 ~~improve external connections to schools, with a goal of reaching at least 100 kilobits per second, per student in each school by 2017;~~  
35 ~~(2) To improve internal connections within schools, with a goal of reaching at least 1 megabit per second, per student in each school~~  
36 ~~by 2017; or (3) To develop or expand one-to-one computing initiatives.~~

1 A school district that has achieved each of the above goals may submit a plan to the K-12 Technology Initiative Committee for  
 2 permission to expend its allocation on other technology related uses; such permission shall not be unreasonably withheld and the K-  
 3 12 Technology Committee must permit districts to appeal any process should a district not receive approval and must provide  
 4 technical assistance to districts in developing plans should the district request such.

5 Funds appropriated for the K-12 Technology Initiative may not be used to supplant existing school district expenditures on  
 6 technology. By June 30, 2016, each school district that receives funding through the K-12 Technology Initiative during Fiscal Year  
 7 2015-16 must provide the K-12 Technology Initiative Committee with an itemized report on the amounts and uses of these funds,  
 8 using a form developed by the Education Oversight Committee. In this report, a school district must provide information on its  
 9 efforts to obtain reimbursements through the "E-Rate" Schools and Libraries Program administered by the Universal Service  
 10 Administrative Company. Within its available resources, the K-12 Technology Initiative Committee shall support school districts'  
 11 efforts to obtain these reimbursements.

12 For Fiscal Year 2015-16, funds certified from unclaimed prizes are appropriated as follows:

13	(1) Higher Education Tuition Grants Commission Tuition Grants.....	\$ 6,660,000;
14	(2) Commission on Higher Education National Guard Tuition Repayment Program as provided in	
15	Section 59-111-75 .....	\$ 4,545,000;
16	(3) Department of Alcohol and Other Drug Abuse Services Gambling Addiction Services.....	\$ 50,000;
17	(4) School for the Deaf and the Blind Technology.....	\$ 200,000;
18	(5) Commission on Higher Education Higher Education Excellence Enhancement Program .....	\$ 2,950,000; and
19	(6) Department of Education School Buses .....	\$ 595,000.

20 If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2015-16 is less than the amounts appropriated, the  
 21 projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.

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

23	(1) Department of Education School Buses.....	\$ 6,000,000; and
24	(2) Department of Education Instructional Materials .....	\$ 6,000,000.

25 For Fiscal Year 2015-16, net lottery proceeds and investment earnings realized in the prior fiscal year above the amount needed  
 26 to fund the appropriations in this provision are appropriated as follows in priority order:

27	(1) Department of Education K-12 Technology Initiative.....	\$ 10,418,183;
28	(2) Department of Education School Buses.....	\$ 4,300,000;
29	(3) Commission on Higher Education and State Board for Technical and Comprehensive	
30	Education Tuition Assistance.....	\$ 3,700,000;
31	(4) Higher Education Tuition Grants Commission Tuition Grants.....	\$ 1,598,764;
32	(5) Commission on Higher Education Higher Education Excellence Enhancement Program .....	\$ 1,028,053;
33	(6) Commission on Higher Education Technology Public Four Year Institutions,	
34	Two Year Institutions, and State Technical Colleges.....	\$ 5,000,000; and
35	(7) State Board for Technical and Comprehensive Education Workforce Scholarships and Grants.....	\$ 5,000,000.

1     ~~Of the funds appropriated to institutions of higher learning entitled "Technology Public Four Year Institutions, Two Year~~  
 2 ~~Institutions, and State Technical Colleges," each institution shall use the amount appropriated only for technology repair and related~~  
 3 ~~technology maintenance that is necessary to support an institution's educational purpose.~~

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

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

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

11     ~~For Fiscal Year 2015-16, if net lottery proceeds and investment earnings realized in the prior fiscal year are above both the amount~~  
 12 ~~needed to fund the appropriations in this provision as well as the amount needed to fully fund the priority order above, the following~~  
 13 ~~items are appropriated on a pro-rata basis:~~

14     ~~(1) Department of Education - School Buses ..... \$ 4,000,000;~~

15     ~~(2) State Library - Aid to County Libraries ..... \$ 1,700,000;~~

16     ~~(3) Commission on Higher Education - Technology Public Four Year Universities, Two Year~~  
 17 ~~Institutions, and State Technical Colleges ..... \$ 2,500,000;~~

18     ~~(4) Commission on Higher Education - Non-Profit, Bachelors Level Institution of Higher Learning,~~  
 19 ~~Established in 1894, is a Member of TRACS, with Sixty Percent or More Low Income~~  
 20 ~~Students - Maintenance and Improvement in Classroom, Library, Laboratory, or Other~~  
 21 ~~Institutional Facilities ..... \$ 50,000;~~

22     ~~(5) Commission on Higher Education - Higher Education Excellence Enhancement Program ..... \$ 658,084;~~

23     ~~(6) Commission on Higher Education - PASCAL Program ..... \$ 1,500,000;~~

24     ~~(7) Commission on Higher Education - Non-Profit, Four Year Comprehensive Institution of Higher~~  
 25 ~~Learning, First Established as a College in 1908, is SACS Accredited, with Forty Percent or~~  
 26 ~~More Minority Enrollment Support for Memorial Professorships for the Purpose of Helping~~  
 27 ~~the College Recruit and Retain Faculty Members Whose Research, Teaching and Service~~  
 28 ~~Uniquely Contribute to the Mission of the College ..... \$ 50,000; and~~

29     ~~(8) Commission on Higher Education - Maintenance Critical Care and Replacement 1 to 1 Match ..... \$ 3,000,000.~~

30     ~~Of the funds appropriated in subitem (8) above for the Commission on Higher Education - Maintenance Critical Care and~~  
 31 ~~Replacement 1 to 1 Match, each public four-year university, two-year branch campus and state technical college shall use the amount~~  
 32 ~~appropriated only for critical repair and related maintenance and/or other critical equipment and systems repair and maintenance that~~  
 33 ~~are necessary for the safe and efficient operation of an institution's physical plant in its support of the institution's educational~~  
 34 ~~purpose.~~

35     ~~Funds must not be used for new construction and may only be utilized by an institution to the extent the funds are matched by the~~  
 36 ~~institution for necessary repair and maintenance projects generally.~~

1 Matching funds exclude supplemental, capital reserve, lottery, or non-recurring state funds appropriated to an institution either in  
2 the current fiscal year or from a prior fiscal year for repair and maintenance or deferred maintenance projects.

3 Prior to the distribution of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes,  
4 the extent to which they have met this requirement, including the sources of funds utilized to meet this requirement.

5 Upon certification, the funds shall be distributed to institutions based on the distribution methodology described below provided  
6 that the distribution does not exceed an institution's pro rata share or the amount matched by the institution if less than that share.  
7 The distribution methodology to be used by the commission shall be based on each institution's or agency's proportion of general  
8 fund appropriation in Part IA of Act 286 of 2014 as compared to the total general fund appropriation in that Act for all public four-  
9 year universities, two year branch campuses and state technical colleges. Distribution of the share allocated to the state technical  
10 colleges is to be made by a formula to be developed by the State Board for Technical and Comprehensive Education in consultation  
11 with the colleges Chief Business Officers for approval by the State Board's Presidents Council.

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

15 Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose,  
16 subject to the matching requirement.

17 3.4. (LEA: Higher Education Excellence Enhancement Program Additions) Converse College and Columbia College shall be  
18 eligible to receive lottery funds under the Higher Education Excellence Enhancement Program.

19 3.5. (LEA: Transfer for Veteran Differential Reimbursement Fund) ~~The Commission on Higher Education is directed to transfer~~  
20 ~~\$3,000,000 of unexpended National Guard Tuition Repayment Program funds carried forward from the prior fiscal year to the Office~~  
21 ~~of State Treasurer for the College and University Out of State Veteran Tuition Differential Reimbursement Fund.~~

22 3.6. (LEA: FY 2016-17 Lottery Funding) There is appropriated from the Education Lottery Account for the following education  
23 purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed  
24 below. These appropriations must be used to supplement and not supplant existing funds for education.

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

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

29 For Fiscal Year 2016-17 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision  
30 are appropriated as follows:

- 31 (1) Commission on Higher Education and State Board for Technical and Comprehensive
- 32 Education--Tuition Assistance ..... \$ 51,000,000
- 33 (2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59 ..... \$ 199,754,741
- 34 (3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 ..... \$ 9,552,955
- 35 (4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20.. \$ 49,274,030
- 36 (5) Commission on Higher Education--Need-Based Grants ..... \$ 17,537,078



1	<u>(6) Higher Education Tuition Grants Commission--SREB Program and Assessments.....</u>	<u>\$ 313,456</u>
2	<u>(7) Higher Education Tuition Grants Commission--Tuition Grants .....</u>	<u>\$ 8,258,764</u>
3	<u>(8) Department of Education--K-12 Technology Initiative .....</u>	<u>\$ 29,288,976</u>
4	<u>(9) Department of Education--Instructional Material.....</u>	<u>\$ 18,000,000</u>
5	<u>(10) Department of Education--School Bus Lease/Purchase.....</u>	<u>\$ 6,500,000</u>
6	<u>(11) Department of Education--College and Career Readiness.....</u>	<u>\$ 3,000,000</u>
7	<u>(12) Department of Education--Efficiency Study.....</u>	<u>\$ 3,100,000</u>
8	<u>(13) Department of Education--Dynamic Report Card System.....</u>	<u>\$ 1,695,000</u>
9	<u>(14) Department of Education--Reading Partners .....</u>	<u>\$ 400,000</u>
10	<u>(15) Department of Education--Mobile Device Access and Management .....</u>	<u>\$ 3,000,000.</u>

11 Fiscal Year 2016-17 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the  
 12 technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and  
 13 Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds.

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

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

19 Fiscal Year 2016-17 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment  
 20 earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for  
 21 Fiscal Year 2016-17 are fully funded.

22 If the lottery revenue received for Fiscal Year 2016-17 is less than the amounts appropriated, the projects and programs receiving  
 23 appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be  
 24 applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

25 The Commission on Higher Education is authorized to use up to \$250,000 of the funds appropriated in this provision for LIFE,  
 26 HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and  
 27 to provide for a Scholarship Compliance Auditor.

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

30 Funds appropriated to the Department of Education for the K-12 Technology Initiative shall be distributed to the public school  
 31 districts of the state, the special schools of the state and the South Carolina Public Charter School District, per pupil, based on the  
 32 previous year's one hundred thirty-five day average daily membership, according to the below calculations: (1) For a school district  
 33 with a poverty index of less than 75: \$35 per ADM; (2) For a school district with a poverty index of at least 75 but no more than 85:  
 34 \$50 per ADM; or (3) For a school district with a poverty index of greater than 85 or a special school with no defined poverty index:  
 35 \$70 per ADM.

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 through the K-12 Technology Initiative may only be used for the following purposes: (1) To  
5 improve external connections to schools, with a goal of reaching at least 100 kilobits per second, per student in each school by 2017;  
6 (2) To improve internal connections within schools, with a goal of reaching at least 1 megabit per second, per student in each school  
7 by 2017; or (3) To develop or 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 Initiative Committee for  
9 permission to expend its allocation on other technology-related uses; such permission shall not be unreasonably withheld and the  
10 K-12 Technology Committee must permit districts to appeal any process should a district not receive approval and must provide  
11 technical assistance to districts in developing plans should the district request such.

12 Funds appropriated for the K-12 Technology Initiative may not be used to supplant existing school district expenditures on  
13 technology. By June 30, 2017, each school district that receives funding through the K-12 Technology Initiative during Fiscal Year  
14 2016-17 must provide the K-12 Technology Initiative Committee with an itemized report on the amounts and uses of these funds,  
15 using a form developed by the Education Oversight Committee. In this report, a school district must provide information on its  
16 efforts to obtain reimbursements through the "E-Rate" Schools and Libraries Program administered by the Universal Service  
17 Administrative Company. Within its available resources, the K-12 Technology Initiative Committee shall support school districts'  
18 efforts to obtain these reimbursements.

19 Funds appropriated to the Department of Education for Reading Partners shall be allocated to Reading Partners and must be  
20 used to increase the number of reading interventions for students in low performing schools in grades K-5. The Office of Early  
21 Learning and Literacy shall specify planning criteria to be submitted by Reading Partners no later than July 15, 2016. Planning  
22 criteria shall include, but is not limited to, pre and post assessment data, parental and family literacy engagement, summer learning  
23 support and building school level capacity for intervention. The department shall report to the Governor, the Chairman of the Senate  
24 Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee and  
25 the Chairman of the House Education Committee by June 15, 2017 on the impact of the program.

26 Funds appropriated to the Department of Education for Mobile Device Access and Management shall be disbursed to school  
27 districts to procure high-speed mobile internet service for students that lack such internet service at home and are participating in a  
28 course of study that requires such access, as demonstrated by the school district. Districts requesting funding shall make application  
29 to the South Carolina K-12 Technology Committee in a form approved by the committee and the Department of Education detailing,  
30 at a minimum, the proposed uses of such mobile internet service, the number of students eligible for the service, the process used to  
31 determine student eligibility, and the process by which the devices will be secured and use-restricted to prevent breach or misuse.  
32 The Committee may approve requests in whole or in-part as funds are available.

33 The Department of Administration, Division of Technology may disapprove applications if the district's mobile device  
34 management plans are insufficient to properly secure mobile internet devices issued to students. The Division of Technology may  
35 offer mobile device management services to applicant districts in lieu of a district-specific plan.

36 For Fiscal Year 2016-17, funds certified from unclaimed prizes are appropriated as follows:

1	<u>(1) Department of Education--School Bus Lease/Purchase .....</u>	<u>\$ 3,500,000</u>
2	<u>(2) State Board for Technical and Comprehensive Education--Workforce Scholarships/Grants .....</u>	<u>\$ 5,000,000</u>
3	<u>(3) Commission on Higher Education--Higher Education Excellence Enhancement Program .....</u>	<u>\$ 3,005,000</u>
4	<u>(4) Commission on Higher Education--National Guard Tuition Repayment Program as provided in</u>	
5	<u>Section 59-111-75 .....</u>	<u>\$ 4,545,000</u>
6	<u>(5) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services .....</u>	<u>\$ 50,000</u>
7	<u>(6) School for the Deaf and the Blind--Technology.....</u>	<u>\$ 200,000</u>
8	<u>(7) State Library--Aid to County Libraries.....</u>	<u>\$ 1,700,000.</u>

9 The funds appropriated to State Board for Technical and Comprehensive Education for Workforce Scholarships and Grants shall  
10 be used to provide grants for tuition, fees, transportation, or textbook expenses to South Carolina residents enrolled in a career  
11 education program that meets all eligibility guidelines promulgated by the State Board for Technical and Comprehensive Education  
12 in consultation with the Department of Education. Grants may be awarded from the fund in an amount not exceeding ten thousand  
13 dollars or the total cost of attendance, whichever is less, for students to attend the program of their choice at a South Carolina  
14 technical school or professional certification program.

15 If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2016-17 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 shall be appropriated as follows:

18	<u>(1) State Board for Technical and Comprehensive Education--Manufacturing, Healthcare, and</u>	
19	<u>STEM Education and Training .....</u>	<u>\$ 15,000,000</u>
20	<u>(2) Commission on Higher Education--Higher Education Excellence Enhancement Program .....</u>	<u>\$ 2,631,137.</u>

21  
22 **SECTION 5 - H710 - WIL LOU GRAY OPPORTUNITY SCHOOL**

23  
24 **5.1.** (WLG: Truants) The Opportunity School will incorporate into its program services for students, ages fifteen and over, who  
25 are deemed truant; and will cooperate with the Department of Juvenile Justice, the Family Courts, and School districts to encourage  
26 the removal of truant students to the Opportunity School when such students can be served appropriately by the Opportunity School’s  
27 program.

28 **5.2.** (WLG: GED Test) Students attending school at the Wil Lou Gray Opportunity School that are sixteen years of age and are  
29 unable to remain enrolled due to the necessity of immediate employment or enrollment in post-secondary education may be eligible  
30 to take the General Education Development (GED) Test.

31 **5.3.** (WLG: Deferred Salaries Carry Forward) Wil Lou Gray is authorized to carry forward into the current fiscal year the amount  
32 of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees. These deferred  
33 funds are not to be included or part of any other authorized carry forward amount.

34 **5.4.** (WLG: Improved Forestry Practices) The Trustees of the Wil Lou Gray Opportunity School may carry out improved forestry  
35 practices on the timber holdings of the school property and apply the revenues derived from them and any other revenue source on  
36 the property for the further improvement and development of the school forest and other school purposes.

1       **5.5.** (WLG: Educational Program Initiatives) Wil Lou Gray Opportunity School is authorized to utilize funds received from the  
2 Department of Education for vocational equipment on educational program initiatives.

3       **5.6.** (WLG: Lease Revenue) Wil Lou Gray Opportunity School is authorized to retain revenues derived from the lease of school  
4 properties titled to or utilized by the school and may use revenues retained for general school operations, including, but not limited  
5 to, maintenance of such properties. Unexpended funds may be carried forward into the current fiscal year and used for the same  
6 purposes.

7       **5.7.** (WLG: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the  
8 school in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations of  
9 the school.

10       **5.8.** (WLG: By-Products Revenue Carry Forward) The Wil Lou Gray Opportunity School is authorized to sell goods that are  
11 by-products of the school's programs and operations, charge user fees and fees for services to the general public, individuals,  
12 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and  
13 expended for the purpose of covering expenses of the school's programs and operations.

14       **5.9.** (WLG: Capacity) ~~For Fiscal Year 2015-16, funds appropriated to Wil Lou Gray Opportunity School must be used to bring~~  
15 ~~the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate Finance~~  
16 ~~Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been utilized and~~  
17 ~~how many additional students have been served.~~

18  
19       **SECTION 6 - H750 - SCHOOL FOR THE DEAF AND THE BLIND**

20  
21       **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  
22 school a student activity fee, differentiated according to the income of the family. The required student activity fee shall not exceed  
23 \$40.00. Such revenue may be retained and carried forward into the current fiscal year and expended for the purpose of covering  
24 expenses for student activities.

25       **6.2.** (SDB: Weighted Student Cost) The School for the Deaf and the Blind shall receive through the Education Finance Act the  
26 average State share of the required weighted cost for each student enrolled in the School.

27       **6.3.** (SDB: Admissions) Deaf, blind, multi-disabled and other disabled students identified by the Board of Commissioners as  
28 target groups for admission to the South Carolina School for the Deaf and the Blind may be admitted by the School either through  
29 direct application by parents or on referral from the local school district. The Board of Commissioners shall define the appropriate  
30 admissions criteria including mental capacity, degree of disability, functioning level, age, and other factors deemed necessary by the  
31 board. All placement hearings for admission to the South Carolina School for the Deaf and the Blind shall be organized by the  
32 School. The South Carolina School for the Deaf and the Blind shall obtain information from the local school district concerning the  
33 needs of the student and shall prepare an Individualized Education Plan for each student admitted. All parents applying for admission  
34 of their children must sign a statement certifying that they feel the South Carolina School for the Deaf and the Blind is the most  
35 appropriate placement which constitutes the least restrictive environment for the individual student, based upon needs identified in

1 the placement meeting and the Individualized Education Plan. The decision concerning placement and least restrictive environment  
2 shall be reviewed annually at the IEP Conference.

3 **6.4.** (SDB: Adult Vocational Program Fees) The School for the Deaf and the Blind is authorized to charge appropriate tuition,  
4 room and board, and other fees to students accepted into the Adult Vocational Program. Such fees will be determined by the School  
5 Board of Commissioners, and such revenue shall be retained and carried forward into the current fiscal year and expended by the  
6 School for the purpose of covering expenses in the Adult Vocational Program.

7 **6.5.** (SDB: Mobility Instructor Service Fee) The School for the Deaf and the Blind is authorized to charge a fee for the services  
8 of a mobility instructor to provide service on a contractual basis to various school districts in the state, and such revenue shall be  
9 retained and carried forward into the current fiscal year and expended by the School for the purpose of covering expenses in the  
10 Blind School.

11 **6.6.** (SDB: Cafeteria Revenues) All revenues generated from cafeteria operations may be retained and expended by the institution  
12 for the purpose of covering actual expenses in cafeteria operations.

13 **6.7.** (SDB: School Buses) The school buses of the South Carolina School for the Deaf and the Blind are authorized to travel at  
14 the posted speed limit.

15 **6.8.** (SDB: USDA Federal Grants) All revenues generated from USDA federal grants may be retained and expended by the  
16 SCSDB in accordance with Federal regulations for the purpose of covering actual expenses in the cafeteria/food service operations  
17 of the school.

18 **6.9.** (SDB: By-Products Revenue Carry Forward) The School for the Deaf and the Blind is authorized to sell goods that are by-  
19 products of the school's programs and operations, charge user fees and fees for services to the general public: individuals,  
20 organizations, agencies and school districts, and such revenue may be retained and carried forward into the current fiscal year and  
21 expended for the purpose of covering expenses of the school's programs and operations.

22 **6.10.** (SDB: Deferred Salaries Carry Forward) South Carolina School for the Deaf and the Blind is authorized to carry forward  
23 in the current fiscal year the amount of the deferred salaries and employer contributions earned in the prior fiscal year for non-twelve  
24 month employees. These deferred funds are not to be included or part of any other authorized carry forward amount.

25 **6.11.** (SDB: Sale of Property) After receiving approval from the Department of Administration or State Fiscal Accountability  
26 Authority for the sale of property, the school may retain revenues associated with the sale of property titled to or utilized by the  
27 school. These funds shall be expended on capital improvements approved by the Joint Bond Review Committee and the State Fiscal  
28 Accountability Authority. For the current fiscal year, the school is authorized to use the retained revenue from the sale of donated  
29 property for educational and other operating purposes.

30 **6.12.** (SDB: USC-Upstate Visual Impairment Master of Education Program) Of the funds appropriated to the South Carolina  
31 School for the Deaf and the Blind, \$50,000 shall be used to fund the Master of Education Program In Visual Impairment at the  
32 University of South Carolina - Upstate.

33 **6.13.** (SDB: Capacity) ~~For Fiscal Year 2015-16, funds appropriated to the School for the Deaf and the Blind must be used to~~  
34 ~~bring the school up to full capacity, to the extent possible, and the school must report electronically to the Chairman of the Senate~~  
35 ~~Finance Committee and the Chairman of the House Ways and Means Committee by December first, on how the funds have been~~  
36 ~~utilized and how many additional students have been served.~~

1       **6.14.** (SDB: Educational Program Initiatives) The School for the Deaf and Blind is authorized to utilize funds received from the  
2 Department of Education for vocational equipment on educational program initiatives.

3       **6.15.** (SDB: School Leave Policy) The School for the Deaf and Blind is authorized to promulgate administrative policy  
4 governing annual and sick leave relative to faculty and staff with the approval of the School's board of directors. This policy shall  
5 address the school calendar in order to comply with the instructional needs of students attending the school.

6       **6.16.** (SDB: Buildings) For the current fiscal year; the South Carolina School for the Deaf and Blind will be subject to the same  
7 requirements as a local education agency for the purposes of building renovation and construction.

8       **6.17.** (SDB: Early Childhood Center) The School for the Deaf and the Blind shall be authorized to redirect and transfer the  
9 \$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  
10 Center Construction project.

## 11

### 12 SECTION 7 - L120 - JOHN DE LA HOWE SCHOOL

### 13

14       **7.1.** (JDLHS: Status Offender Carry Forward) Unexpended status offender funds distributed to John de la Howe School from the  
15 Department of Education may be carried forward and used for the same purpose.

16       **7.2.** (JDLHS: Campus Private Residence Leases) John de la Howe School is authorized to lease, to its employees, private  
17 residences on the agency's campus. Funds generated may be retained and used for general operating purposes including, but not  
18 limited to, maintenance of the residences.

19       **7.3.** (JDLHS: Deferred Salaries Carried Forward) John de la Howe School is authorized to carry forward into the current fiscal  
20 year the amount of deferred salaries and employer contributions earned in the prior fiscal year for non-twelve month employees.  
21 These deferred funds are not to be included or part of any other authorized carry forward amount.

22       **7.4.** (JDLHS: Capacity) ~~For Fiscal Year 2015-16, funds appropriated to John de la Howe School must be used to complete~~  
23 ~~deferred maintenance on the residential cottages and to bring the school up to full capacity, to the extent possible. The school must~~  
24 ~~not utilize the funds to hire new employees until the school has completed deferred maintenance on a cottage and requires the new~~  
25 ~~employee due to a projected increase in students. Any increases in staff must be reported to the Chairman of the House Ways and~~  
26 ~~Means Committee and the Chairman of the Senate Finance Committee thirty days prior to the hire. Further, the school must report~~  
27 ~~electronically to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by~~  
28 ~~December first, on how the funds have been utilized and how many additional students have been served.~~

29       **7.5.** (JDLH: Educational, Therapeutic Progress, and Other Financial Information) ~~For the current fiscal year, the John de la Howe~~  
30 ~~School shall provide information and data to the Education Oversight Committee, the Office of the Inspector General, and the~~  
31 ~~Department of Education on a quarterly basis, as required, to document the following for all programs and services offered by the~~  
32 ~~school:~~

33       ~~(1) student enrollment counts and data that document what educational and therapeutic needs and interventions each student~~  
34 ~~at the school received in the prior and current school years;~~

35       ~~(a) student counts shall be broken out to detail students on campus during the day and the number of overnight students~~  
36 ~~requiring and receiving 24/7 supervision;~~

- 1           ~~(b) using this data a cost per student calculation shall be reported with the calculation excluding capital costs and the~~  
2 ~~assumption day students are revenue neutral unless documentation is provided to the contrary;~~  
3           ~~(2) dates of enrollment and withdrawal of each student; included with this data shall be a calculation showing the average~~  
4 ~~length of stay of students receiving 24/7 supervision and average enrollment for each month;~~  
5           ~~(3) the district of residence for each student enrolled at the school in the prior and current school years;~~  
6           ~~(4) evidence of the educational and therapeutic progress being made by each student based on the school's evidence based~~  
7 ~~treatment model;~~  
8           ~~(5) the number of staff employed that provide direct and indirect services to students;~~  
9           ~~(6) other financial expenses of the school; and~~  
10           ~~(7) any other data as identified by the committee.~~

11       ~~To protect the identity of each student, unique student identifiers and not personally identifiable information must be provided.~~  
12 ~~The Education Oversight Committee, the Office of the Inspector General, and the Department of Education shall prescribe the~~  
13 ~~reporting measures to be followed by the school and shall report to the Governor, to the Senate Finance Committee, and to the House~~  
14 ~~Ways and Means Committee by January 15, 2016, on recommendations for improving services to students.~~

15       7.6. (JDLH: Transition) Effective July 1 of the current fiscal year, the John de la Howe School shall enter into a management  
16 agreement with Clemson University whereby Clemson University shall provide all financial and programmatic management and  
17 operations of the John de la Howe School. The form of this management agreement shall be in the sole discretion of Clemson  
18 University. All funds appropriated for or otherwise paid to the John de la Howe School shall be received by Clemson University as  
19 the fiscal agent for the John de la Howe School from which Clemson University shall deduct its costs, including personnel costs, for  
20 the services provided for under the management agreement. Clemson University shall not be responsible for any past, present, or  
21 future liabilities, obligations, or debts of the John de la Howe School or the John de la Howe School Board of Trustees. The  
22 Department of Administration and Executive Budget Office will assist Clemson University as needed in the transition. With the funds  
23 appropriated, Clemson University will evaluate the physical assets of the campus and capacity of existing staff to serve at risk  
24 students in accordance with the purposes of the will of Dr. John de la Howe and provide such programs and services in the current  
25 fiscal year as determined by Clemson University. The General Assembly asks that Clemson University consider the following in its  
26 evaluation: (1) what educational services can John de la Howe provide considering such options as becoming a charter school  
27 under Chapter 40 of Title 59 or a program under Section 59-19-350 of the 1976 Code; (2) what career opportunities especially in  
28 agribusiness can be provided at John de la Howe to prepare students for careers; and (3) what would be the costs of and timeframe  
29 for these changes. Clemson University will report to the Senate Finance Committee and to the House Ways and Means Committee  
30 by December 1 of the current fiscal year on its findings and recommendations.

## 31 32 SECTION 8 - H670 - EDUCATIONAL TELEVISION COMMISSION

33  
34       **8.1.** (ETV: Grants/Contributions Carry Forward) The Educational Television Commission shall be permitted to carry forward  
35 any funds derived from grant awards or designated contributions and any state funds necessary to match such funds, provided that  
36 these funds be expended for the programs which they were originally designated.

1       **8.2.** (ETV: Spectrum Auction) ~~During the current fiscal year, if~~ *If* the Educational Television Commission ~~opts to enter the~~  
2 ~~Federal Communications Commission TV Spectrum Auction and subsequently~~ receives any proceeds from the auction Federal  
3 Communication Commission TV Auction, the commission is authorized to receive and retain the proceeds for the development of a  
4 capital reserve declining balance fund. Up to \$40,000,000 of the proceeds shall be used to fund several critical capital needs at ETV,  
5 including an expected broadcast industry standards change. Proceeds shall also be deployed for existing equipment repair,  
6 maintenance and replacement needs and operational costs. Any proceeds received above \$40,000,000 must be placed into a  
7 segregated account and shall require General Assembly approval prior to the expenditure of these funds. Unexpended funds shall be  
8 carried forward from the prior fiscal year into the current fiscal year and used for the same purpose. ~~The~~ Subject to the FCC  
9 requirements for a specified quiet period, the commission shall report to the Governor, the Chairman of the Senate Finance  
10 Committee and the Chairman of the House Ways and Means Committee on the intent to enter the auction; dates of the auction;  
11 potential revenue estimates; and actual received revenue.

12       **8.3.** (ETV: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning  
13 campuses must conform to master plans for such property, as determined solely by the institution of higher learning.

14       **8.4.** (ETV: Wireless Communications Tower) The Educational Television Commission is directed to coordinate tower and  
15 antenna operations within South Carolina state government. The commission shall (1) approve all leases regarding antenna  
16 placement on state-owned towers and buildings, (2) coordinate all new tower construction on state-owned property, (3) promote  
17 and market excess capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or  
18 selling excess capacity on the State's wireless communications infrastructure, and (5) construct new communications assets on  
19 appropriate state-owned property for the purpose of generating revenue pursuant to this proviso. The commission shall retain and  
20 expend such funds for agency operations. The commission shall be authorized to carry forward unexpended funds from the prior  
21 fiscal year into the current fiscal year. The commission shall annually report to the Chairmen of the Senate Finance and House  
22 Ways and Means Committees by October first of each year all revenue collected and disbursed.

## 23 SECTION 11 - H030 - COMMISSION ON HIGHER EDUCATION

24  
25  
26       **11.1.** (CHE: Contract for Services Program Fees) The amounts appropriated in this section for “Southern Regional Education  
27 Board Contract Programs” and “Southern Regional Education Board Dues” are to be used by the commission to pay to the Southern  
28 Regional Education Board the required contract fees for South Carolina students enrolled under the Contract for Services program  
29 of the Southern Regional Education Board, in specific degree programs in specified institutions and the Southern Regional Education  
30 Board membership dues. The funds appropriated may not be reduced to cover any budget reductions or be transferred for other  
31 purposes.

32       **11.2.** (CHE: African-American Loan Program) Of the funds appropriated to the Commission on Higher Education for the  
33 African-American Loan Program, 73.7 percent shall be distributed to South Carolina State University and 26.3 percent shall be  
34 distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to  
35 the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the African-



- 1 American Loan Program. Of the funds allocated according to this proviso, no more than ten percent shall be used for administrative  
2 purposes.
- 3 **11.3.** (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged  
4 middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of  
5 higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early  
6 Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.
- 7 **11.4.** (CHE: EPSCoR Committee Representation) With the intent that the four-year teaching institutions receive a portion of  
8 EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of the  
9 research institutions and one representative from the four-year teaching university sector.
- 10 **11.5.** (CHE: SREB Funds Exempt From Budget Cut) In the calculation of any across the board cut mandated by the Executive  
11 Budget Office or General Assembly, the amount which the Commission on Higher Education is appropriated for Southern Regional  
12 Education Board (SREB) Professional Scholarship Programs and Fees, Dues and Assessments shall be excluded from the  
13 Commission on Higher Education's base budget. Funds appropriated for SREB programs may be carried forward into the current  
14 fiscal year and expended for the same purpose by the Commission on Higher Education.
- 15 **11.6.** (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education  
16 under Section II. Other Agencies & Entities: Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR  
17 program under the Commission on Higher Education to improve South Carolina's research capabilities and twenty percent will be  
18 allocated to support the management education programs of the School of Business at South Carolina State University.
- 19 **11.7.** (CHE: Troop-to-Teachers) Members of the Armed Forces either active-duty, retired, or separated who are admitted to and  
20 enrolled in the South Carolina Troop-to-Teachers Alternative Route to Certification program are entitled to pay in-state rates at  
21 participating state institutions for requisite program work.
- 22 **11.8.** (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of  
23 Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding  
24 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.  
25 All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior  
26 to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and scholarships,  
27 then no additional need-based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher  
28 Education will track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more  
29 foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based  
30 grants funding for this additional assistance.
- 31 **11.9.** (CHE: Tuition Age) For the current fiscal year, the age limitation for those children of certain war veterans who may be  
32 admitted to any state-supported college, university, or post high school technical education institution free of tuition is suspended for  
33 eligible children that successfully appeal the Division of Veterans Affairs on the grounds of a serious extenuating health condition.
- 34 **11.10.** (CHE: LIFE and Palmetto Fellows Enhancement Stipends) In the current fiscal year before fall awards are made, to  
35 continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify that  
36 the student is meeting all requirements as stipulated by the policies established by the institution and the academic department to be

1 enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's declared  
2 eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education. Institutions  
3 shall return funds determined to have been awarded to ineligible students.

4 **11.11.** (CHE: SmartState) The Commission on Higher Education is prohibited from expending any source of funds on the  
5 marketing of the SmartState Program.

6 **11.12.** (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than  
7 \$179,178 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher  
8 education in an established college transition program that serves students with intellectual disabilities. The Commission on Higher  
9 Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the established  
10 college transition programs. All other grants and gift aid for which these students are eligible must be applied first to the cost of  
11 attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all other grants  
12 and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission on Higher  
13 Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of  
14 these grants in assisting students with intellectual disabilities in college transition programs.

15 **11.13.** (CHE: Scholarship Awards) A student may receive a Palmetto Fellows or LIFE scholarship award during the summer, in  
16 addition to fall and spring semesters of an academic year, provided continued eligibility requirements are met as of the end of the  
17 spring semester. Students must enroll full-time, which for purposes of the summer award will require enrollment in at least twelve  
18 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  
19 opening of the fall term. The total summer award per student may not exceed half of the allowable academic year award up to the  
20 cost of attendance and must be reimbursed if less than twelve hours for academic credit are not attempted by the student during  
21 summer sessions. If awarded in the summer, a student's total award during his or her enrollment may not exceed the amount that  
22 would otherwise be provided under current semester limits applied for the scholarship awards. The Commission on Higher Education  
23 may provide additional guidelines necessary to ensure uniform implementation.

24 **11.14.** (CHE: Other Funded FTE Revenue) Each institution of higher learning, when requesting additional other funded full-time  
25 equivalent positions shall ensure to the Commission on Higher Education, or its successor entity, that sufficient revenues exist to  
26 fund the salary and fringe benefits for the positions. In addition, the institution shall also ensure that in the calculation of the revenue  
27 required for the positions, future pay increases and future health insurance adjustments as may be mandated by the General Assembly  
28 are taken into consideration.

29 **11.15.** (CHE: Abatements) By October first of each year, state supported institutions of higher learning must submit to the  
30 Commission on Higher Education, or its successor entity, the number of out-of-state students during the prior fiscal year that received  
31 abatement of rates pursuant to Section 59-112-70 of the 1976 Code. The report must include the geo-origin of the student, class of  
32 the student, comprehensive listing of all financial awards received by the student, number of semesters the student has received the  
33 abated rate, as well as the athletic status of the student. The report must also include the calculation method used to determine the  
34 abatement amount awarded to students as well as the number of students that received educational fee waivers pursuant to Section  
35 59-101-620.

1       **11.16.** (CHE: Outstanding Institutional Debt) By November first, institutions of higher learning must submit to the Chairman of  
2 the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education,  
3 or its successor entity, data on all outstanding institutional debt for their respective institution. Data shall include, but not be limited  
4 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  
5 schedule, and the purpose for which the debt was incurred.

6       **11.17.** (CHE: Transferability) ~~No later than May 2, 2016, the Commission on Higher Education's Council of Presidents, or the~~  
7 ~~council's designees, in consultation with the State Board for Technical and Comprehensive Education, or its designees, shall make~~  
8 ~~a recommendation(s) to the Chairman of the Senate Education Committee and the Chairman of the House Education and Public~~  
9 ~~Works Committee concerning policy options for the state to consider with regards to the development of a more seamless transition~~  
10 ~~for students with Associate Degrees from public two-year institutions of higher learning wishing to transfer to public research~~  
11 ~~institutions and four-year colleges and universities. Recommendations must consider both the costs and opportunities of the option(s)~~  
12 ~~presented including, but not limited to, impacts on institutional core requirements and accreditation standards. Nothing herein shall~~  
13 ~~be construed as superseding any agreements, memorandums of understanding, or letters of intent that are in effect in the current~~  
14 ~~fiscal year between or on behalf of one or more public institutions of higher learning in this state with another public institution or~~  
15 ~~institutions of higher learning in this state regarding the transferability of students between institutions as described herein.~~

16       **11.18.** (CHE: Technical College Study) (A) ~~The Commission on Higher Education shall examine the viability of a program that~~  
17 ~~allows a student who graduated from a high school in this state or who attained the state educational equivalency of a high school~~  
18 ~~diploma to attend a state technical college without paying tuition and fees at the institution for a specified period. When conducting~~  
19 ~~the examination, the commission shall identify and consider:~~

- 20           (1) ~~The anticipated number of students who will participate in the program;~~  
21           (2) ~~The anticipated annual cost of the program and federal, state and other sources of funding that could be used to pay the~~  
22 ~~costs of the program;~~  
23           (3) ~~Current capacity available at state technical colleges to enroll additional students;~~  
24           (4) ~~The ability of the program to increase the state's pool of skilled workers and meet projected workforce demands;~~  
25           (5) ~~The impact of the program to increase educational attainment in the state;~~  
26           (6) ~~The regions of the state the program would likely significantly increase educational attainment and workforce readiness;~~  
27           (7) ~~Potential eligibility criteria for students participating in the program; and~~  
28           (8) ~~The possibility of requiring students to first use financial aid available to the students, including federal funding provided~~  
29 ~~to low-income students for the purpose of paying for post-secondary education.~~

30           (B) ~~The commission shall propose criteria for the program.~~

31           (C) ~~The commission shall submit a report that summarizes the findings to the General Assembly no later than January 31, 2016.~~  
32 ~~The report may include recommendations for legislation.~~

33       **11.19.** (CHE: College and University Out of State Veteran Tuition Differential Reimbursement Fund) ~~Of the funds appropriated~~  
34 ~~to and/or authorized for the Commission on Higher Education for the Out of State Veteran Tuition Reimbursement, the Office of~~  
35 ~~State Treasurer is directed to establish a fund, separate and distinct from the general fund and all other funds, entitled the College~~

1 and University Out of State Veteran Tuition Differential Reimbursement Fund. Any funds appropriated and/or authorized in the  
2 current fiscal year for this purpose must be deposited into the fund and interest accrued by the fund must remain in the fund.

3 The purpose of the fund is to reimburse public institutions of higher learning, as defined in Section 59-103-5 of the 1976 Code,  
4 for revenue loss resulting from the provisions of Section 59-112-50(C). By March 1, 2016, a public institution of higher learning  
5 seeking a reimbursement from this fund must submit an application to the Commission on Higher Education to receive a  
6 reimbursement from the fund. The total reimbursement to a public institution may not exceed the difference between the amounts  
7 the institution would have charged but for Section 59-112-50(C), and the amounts the institution actually charged. The Commission  
8 on Higher Education may require any proof it determines necessary to verify the veracity of the application.

9 By June 15, 2016, the Commission on Higher Education must distribute the funds to those institutions that have applied pursuant  
10 to this provision. In the event that the total requested and verified reimbursements exceed the amount in the fund, the distribution to  
11 each public institution shall be reduced pro-rata based on the institution's amount of verified reimbursements compared to the total  
12 amount of verified reimbursements of all institutions.

#### 13 14 SECTION 14 - H120 - CLEMSON UNIVERSITY - EDUCATIONAL & GENERAL

15  
16 **14.1.** (CU: Electrical Infrastructure) Clemson University is directed to enter into negotiations with an appropriate entity or an  
17 electric cooperative to determine the feasibility for the purchase and operation of the main campus electrical infrastructure and  
18 maintenance associated with said infrastructure. A report shall be submitted to the Chairman of the Senate Finance Committee and  
19 the Chairman of the House Ways and Means Committee by December 1, 2015 on the results of the negotiations.

#### 20 21 SECTION 15 - H150 - UNIVERSITY OF CHARLESTON

22  
23 **15.1.** *(UoC: Science Center Renovation) In the current fiscal year, the University of Charleston may use funds appropriated in*  
24 *Fiscal Year 2005-06 for the School of Science and Mathematics' Grice Marine Biology Laboratory, for the School of Science and*  
25 *Mathematics' renovation of the Rita L. Hollings Science Center.*

#### 26 27 SECTION 19 - H240 - SOUTH CAROLINA STATE UNIVERSITY

28  
29 **19.1.** (SCSU: Loan Funds) (A) Pursuant to Proviso 19.2, Part IB, of Act 286 of 2014, South Carolina State University was  
30 approved for a loan to be disbursed through a series of scheduled installments. Any funds not disbursed to the university pursuant  
31 to the schedule during Fiscal Year ~~2014-15~~ 2015-16 shall be carried forward to Fiscal Year ~~2015-16~~ 2016-17. In Fiscal Year ~~2015-~~  
32 ~~16~~ 2016-17, the State Treasurer, upon certification of the Executive Budget Office, shall disburse up to \$8,500,000 \$2,000,000 to  
33 the university pursuant to the provisions contained in this proviso. The loan amount consists of (1) funds carried forward pursuant  
34 to this proviso and (2) the \$4,000,000 \$2,000,000 approved for Fiscal Year ~~2015-16~~ 2016-17 by the Joint Bond Review Committee  
35 pursuant to Paragraph 19.2, Part IB, of Act 286 of 2014. Any funds approved pursuant Paragraph 19.2, Part IB, of Act 286 of 2014

1 that remain undisbursed at the end of Fiscal Year ~~2015-16~~ 2016-17 shall be carried forward. The loan must be at an interest rate  
2 established by the State Treasurer pursuant to Section 11-9-250 of the 1976 Code.

3 (B) To compel disbursements *in Fiscal Year 2016-17*, the Executive Budget Office must certify that:

4 ~~(1) for the initial scheduled quarterly installment, the Board of Trustees of the university, based on reasonable enrollment~~  
5 ~~and other realistic budgetary assumptions, has adopted a balanced budget, whereby operating expenditures do not exceed operating~~  
6 ~~revenue and that the university is not projected by the Executive Budget Office, based upon a cash flow analysis, to fall out of balance~~  
7 ~~for the quarter; and~~

8 ~~(2) for each remaining quarterly installment, the Executive Budget Office, certifies that the university's budget for the~~  
9 ~~fiscal year in which the loan is made remains in balance based on a cash flow analysis at the time of the installment payment and that~~  
10 ~~the university is not projected, by the Executive Budget Office, based on a cash flow analysis, to fall out of balance during the quarter.~~

11 (C) If the provisions contained in item (B) are not met, then installment payments scheduled but not yet made must be  
12 suspended until the Executive Budget Office certifies that the university has taken necessary corrective action to meet the provisions  
13 of this proviso.

14 *(D) The State Auditor shall review and audit, if necessary, the financial structure and activities of the university to ensure*  
15 *sufficient financial and internal controls are in place to protect the financial integrity of the university. A report of findings and*  
16 *recommendations shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means*  
17 *Committee, and the Executive Budget Office, by December 30, 2016.*

18 *(E) The loan funds disbursed to South Carolina State University pursuant to Proviso 19.2, Part IB, of Act 286 of 2014, including*  
19 *any associated interest, shall be forgiven as follows: \$6,000,000 in Fiscal Year 2016-17; and \$4,000,000 and \$2,000,000*  
20 *respectively, over subsequent fiscal years provided the University has met the following benchmarks:*

21 *(1) For Fiscal Year 2016-17 the university must have attained accreditation status from the Southern Association of*  
22 *Colleges and Schools; and*

23 *(2) For each subsequent fiscal year the university must maintain such accreditation status; maintain a balanced budget*  
24 *as certified by the Executive Budget Office; and achieve a one percent growth in full-time student enrollment above the prior fiscal*  
25 *year enrollment and in the subsequent fiscal year achieve a two percent growth above the prior fiscal year enrollment.*

26 *(3) South Carolina State University must provide a report on a quarterly basis to the House Ways and Means Higher*  
27 *Education and Technical Schools Subcommittee and the Senate Finance Higher Education Subcommittee that includes, but is not*  
28 *limited to, the status of their fiscal affairs and enrollment growth.*

29 *The Commission on Higher Education, by November 1st, shall certify to the Chairman of the Senate Finance Committee, the*  
30 *Chairman of the House Ways and Means Committee, and the Executive Budget Office that the university has met and maintained the*  
31 *required benchmarks each fiscal year.*

32 *In the event the university does not meet the benchmarks for loan forgiveness, the State Fiscal Accountability Authority shall*  
33 *establish a consolidated repayment schedule for the loans authorized by Act 286 of 2014 for an amortization period not longer than*  
34 *twenty-five years.*

35 **19.2.** *(SCSU: University President) It is the intent of the General Assembly that the South Carolina State University Interim*  
36 *Board of Trustees conduct a national search to hire a permanent President for the university by December 31, 2016. The Interim*

1 Board of Trustees shall submit progress reports on the status of the search process for a new president to the Chairman of the Senate  
2 Finance Committee and the Chairman of the House Ways and Means Committee on August 2, 2016, on October 1, 2016, and on  
3 December 1, 2016. In the event the Interim Board of Trustees fails to meet the deadline for hiring a new president, an explanation  
4 as to the reason for the non-compliance must be provided to the chairmen by January 2, 2017.  
5

## 6 SECTION 20 - H450 - UNIVERSITY OF SOUTH CAROLINA

7

8 **20.1.** (USC: Palmetto Poison Center) Of the funds appropriated or authorized herein, the University of South Carolina shall  
9 expend at least \$150,000 on the Palmetto Poison Center.

10 **20.2.** (USC: School Improvement Council) ~~Of the funds appropriated to the University of South Carolina Columbia Campus,~~  
11 ~~\$100,000 shall be used for the School Improvement Council.~~

12 **20.3.** (USC: Child Abuse Medical Response Program) Of the funds appropriated to the University of South Carolina School of  
13 Medicine, not less than \$750,000 shall be expended for the Child Abuse and Neglect Medical Response Program. In addition, when  
14 instructed by the Executive Budget Office or the General Assembly to reduce funds by a certain percentage, the university may not  
15 reduce the funds for the Child Abuse and Neglect Medical Response Program greater than such stipulated percentage.

16 **20.4.** (USC: Palmetto College - Operating) The University of South Carolina is directed to allocate ~~additional, recurring state~~  
17 ~~appropriations totaling~~ \$373,010 to the USC campuses at Lancaster, Salkehatchie, Sumter and Union in order to reduce the per-  
18 student funding disparity that exists between each of these campuses. The university shall determine the appropriate enrollment  
19 measure to guide the distribution of these additional, recurring state appropriations. The allocation of state funds shall be reported  
20 to the Commission on Higher Education, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and  
21 Means Committee.  
22

## 23 SECTION 23 - H510 - MEDICAL UNIVERSITY OF SOUTH CAROLINA

24

25 **23.1.** (MUSC: Rural Dentist Program) The Rural Dentist Program, in coordination with the Department of Health and  
26 Environmental Control's Public Health Dentistry Program, is established at the Medical University of South Carolina. The funds  
27 appropriated to the Medical University of South Carolina for the Rural Dentist Program shall be administered by the South Carolina  
28 Area Health Education Consortium physician recruitment office. The costs associated with administering this program are to be paid  
29 from the funds appropriated to the Rural Dentist Program and shall not exceed four percent of the appropriation. The Medical  
30 University of South Carolina is responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered  
31 to. MUSC shall be permitted to carry forward unspent general funds appropriated to the Rural Dentist program provided that these  
32 funds be expended for the program for which they were originally designated. A board is created to manage and allocate these funds  
33 to insure the location of licensed dentists in rural areas of South Carolina and on the faculty of the College of Dental Medicine at  
34 MUSC. The board will be composed of the following: the Dean, or his designee, of the MUSC College of Dental Medicine; three  
35 members from the South Carolina Dental Education Foundation Board who represent rural areas; and the President of the South  
36 Carolina Dental Association. The Director of DHEC's Office of Primary Care; the Director or his designee of the Department of

1 Health and Human Services; and the Executive Director of the South Carolina Dental Association shall serve as ex officio members  
2 without vote. This board shall serve without compensation.

3 **23.2.** (MUSC: Telemedicine) From the funds appropriated to the Medical University of South Carolina for the MUSC Hospital  
4 Authority, the Authority is directed to continue the development of ~~it's~~ the South Carolina Statewide Telemedicine network. The  
5 South Carolina Telehealth Alliance shall submit a proposal to the MUSC Hospital Authority ~~shall to~~ determine which hospitals are  
6 best suited for a Telemedicine partnership. The MUSC Hospital Authority shall provide bi-annual reports to the Chairman of the  
7 Senate Finance Committee and the Chairman of the House Ways and Means Committee detailing the distribution of funds.

8 **23.3.** (MUSC: Rural Access Plan) The MUSC Hospital Authority, in conjunction with the Department of Health and Human  
9 Services, shall study how to partner with existing rural hospitals to ensure that these regions maintain access to medical care.

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

11  
12  
13 **25.1.** (TEC: Training of New & Expanding Industry) (A) Notwithstanding the amounts appropriated in this section for readySC  
14 it is the intent of the General Assembly that the State Board for Technical and Comprehensive Education expend the funds necessary  
15 to provide direct training for new and expanding business or industry.

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

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

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

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

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

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

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

1     **25.2.** (TEC: Training of New & Expanding Industry Carry Forward) In addition to the funds appropriated in this section, any of  
2 the funds appropriated under this section for the prior fiscal year which are not expended during that fiscal year may be carried  
3 forward and expended for direct training of new and expanding industry in the current fiscal year.

4     **25.3.** (TEC: Training of New & Expanding Industry - Payments of Prior Year Expenditures) The State Board for Technical and  
5 Comprehensive Education may reimburse business and industry for prior year training costs billed to the agency after fiscal year  
6 closing with the concurrence of the Comptroller General.

7     **25.4.** (TEC: MSSC) The funds appropriated to the State Board for Technical and Comprehensive Education for the  
8 Manufacturing Skills Standards Council Initiative may not be used for consulting associated with the Initiative.

9     **25.5.** (TEC: Critical Statewide Workforce Needs) Of the funds appropriated in this act to the State Board for Technical and  
10 Comprehensive Education for E&G STEM Programs: Critical Needs Workforce Development Initiative, the State Board must  
11 allocate the funds between the colleges based on a methodology designed to best meet the state’s workforce needs and demands.  
12 This methodology should be created by the State Board in consultation with the Department of Commerce and the Department of  
13 Employment and Workforce and should identify the areas with the most critical need. For this purpose, critical need shall be defined  
14 as unmet employment demand in areas or fields of Science, Technology, Engineering, Mathematics, and Manufacturing. Funds must  
15 be used by the college for STEM programs.

16     **25.6.** (TEC: Aeronautics Training Center) Funds appropriated for the S.C. Aeronautics Training Center may be carried forward  
17 from the prior fiscal year into the current fiscal year and utilized for the same purpose.

18  
19 **SECTION 26 - H790 - DEPARTMENT OF ARCHIVES AND HISTORY**

20  
21     **26.1.** (AH: Use of Proceeds) The proceeds of facilities rentals, gift shop operations, training sessions, sales of publications,  
22 reproductions of documents, repair of documents, research fees, handling charges, and the proceeds of sales of National Register of  
23 Historic Places certificates and plaques by the Archives Department shall be deposited in a special account in the State Treasury, and  
24 may be used by this department to cover the cost of facility operations and maintenance, gift shop inventory, additional training  
25 sessions, publication, reproduction expenses, repair expenses, and National Register of Historic Places certificates and plaques, and  
26 selected Historic Preservation Grants.

27     **26.2.** (AH: Disposal of Materials) For the current fiscal year, the Department of Archives and History, upon prior approval of  
28 the commission, may sell from its collections certain record and non-record materials, which are not eligible for public auction, in a  
29 manner most advantageous to the department.

30  
31 **SECTION 27 - H870 - STATE LIBRARY**

32  
33     **27.1.** (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for “Aid to County Libraries” shall be  
34 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  
35 county shall be allocated less than \$75,000 under this provision. To receive this aid, local library support shall not be less than the  
36 amount actually expended for library operations from local sources in the second preceding year.



1     **27.2.** (LIB: Information Service Fees) The State Library may charge a fee for costs associated with information delivery and  
2 retain such funds to offset the costs of maintaining, promoting and improving information delivery services.

3     **27.3.** (LIB: Continuing Education Fees) The State Library may charge a fee for costs associated with continuing education and  
4 retain such funds to offset the costs of providing continuing education opportunities.

5     **27.4.** (LIB: Books and Materials Disposal) The State Library may sell or otherwise dispose of books and other library materials  
6 that are deemed by the State Library as no longer of value to the State of South Carolina and the State Library's collection. Funds  
7 received from the sale of books and materials shall be retained and expended to purchase new materials for the collection.  
8 Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and be used for the same purpose.

9     **27.5.** (LIB: SCLENDS) The State Library may accept money for the South Carolina Library Evergreen Network Delivery  
10 System (SCLENDS), a consortium providing patrons access to more library materials. The consortium shall allow South Carolina  
11 libraries the ability to share resources and provide a forum for sharing expertise in technical areas such as systems administration  
12 and cataloging. Funds received by the State Library for SCLENDS shall be placed in a special account and shall only be utilized to  
13 pay for items related to SCLENDS. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year  
14 and be used for the same purpose.

15     **27.6.** (LIB: Donations) The State Library may accept donation funds to be used for administration, operation, and programs  
16 from any donor source. Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year.

17     **27.7.** (LIB: Sale of Promotional Items) The State Library shall be allowed to sell promotional items with the South Carolina  
18 State Library brand and logo for the purpose of generating funds for the State Library. Unexpended funds shall be carried forward  
19 from the prior fiscal year into the current fiscal year.

20     **27.8.** (LIB: Consortium Purchasing) The State Library shall be authorized to accept funds to be used for consortium purchasing  
21 between libraries (public, academic, special) that serve South Carolina residents. Funds received by the State Library for consortium  
22 purchasing agreements shall be placed in a designated account and shall only be used to pay for items related to specific consortium  
23 purchasing agreements. These funds may be retained, expended, and carried forward from the prior fiscal year into the current fiscal  
24 year and used for the same purpose.

25     **27.9.** *(LIB: Content Licensing) From the funds appropriated to the State Library that are not allocated for Distribution to*  
26 *Subdivisions, the State Library shall:*

27         *(1) license content with unlimited simultaneous access rights to make certain that users are never turned away from a digital*  
28 *content item and to allow broad classroom use for both K-12 and academic institutions, to ensure the value of the state's investment*  
29 *is fully leveraged;*

30         *(2) only license content that can be accessed easily by one or two clicks without a library card or a South Carolina state*  
31 *identification card, i.e. geo-located authentication;*

32         *(3) only license content on platforms optimized for use on mobile phones;*

33         *(4) license collections to support traditionally underserved populations, focusing on early literacy, reluctant readers, health*  
34 *and wellness, job skills, personal finance, and aging; and*

35         *(5) only license full text collections, not indexes or tools to recommend texts that cannot be accessed freely.*

1 The State Library is prohibited from using appropriated funds to license reference products where the same information is easily  
2 found in free online products such as Wikipedia and shall not license databases of articles from mainstream newspapers and  
3 magazines since these can almost always be accessed free online and are easily discovered through Internet search engines such as  
4 Google, etc.  
5

## 6 SECTION 28 - H910 - ARTS COMMISSION

7

8 **28.1.** (ARTS: Professional Artists Contract) Where practicable, all professional artists employed by the Arts Commission in the  
9 fields of music, theater, dance, literature, musical arts, craft, media arts and environmental arts shall be hired on a contractual basis  
10 as independent contractors. Where such a contractual arrangement is not feasible employees in these fields may be unclassified,  
11 however, the approval of their salaries shall be in accord with the provisions of Section 8-11-35 of the 1976 Code.

12 **28.2.** (ARTS: Special Revolving Account) Any income derived from Arts Commission sponsored arts events or by gift,  
13 contributions, or bequest now in possession of the Arts Commission including any federal or other funds balance remaining at the  
14 end of the prior fiscal year, shall be retained by the commission and placed in a special revolving account for the commission to use  
15 solely for the purpose of supporting the programs provided herein. Any such funds shall be subject to the review procedures as set  
16 forth in Act 651 of 1978.

17 **28.3.** (ARTS: Partial Indirect Cost Waiver) The commission is allowed to apply a fifteen percent indirect cost rate for continuing  
18 federal grants for which they must compete. The commission shall apply the full approved negotiated rate to the Basic State Grant  
19 and any new grants received by the commission.

20 **28.4.** (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the  
21 statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural  
22 programs with proven research based strategies.

23 **28.5.** (ARTS: Distribution to Subdivisions) Of the funds appropriated and/or authorized to the Arts Commission for Distribution  
24 to Subdivisions, the following amounts shall be distributed in the same manner as the funds were distributed in the prior fiscal year,  
25 subject to requests received and availability of funds: \$65,000 for Alloc Mun-Restricted; ~~\$10,000~~ \$34,012 for Alloc Cnty-Restricted;  
26 ~~\$226,280~~ \$928,569 for Alloc School Dist; ~~\$10,000~~ \$40,000 for Alloc Other State Agencies; ~~\$368,148~~ \$459,026 for Alloc-Private  
27 Sector; ~~\$25,750~~ \$42,750 for Alloc Private Sector; ~~\$69,992~~ \$75,449 for Aid Mun-Restricted; ~~\$25,889~~ \$41,155 for Aid Cnty-  
28 Restricted; ~~\$305,306~~ \$243,241 for Aid School Districts; ~~\$328,839~~ \$389,171 for Aid Other State Agencies; ~~\$1,527,874~~ \$1,580,603  
29 for Aid To Private Sector; ~~\$54,014~~ \$45,221 for Aid To Private Sector-Reportable; and ~~\$5,855~~ 3,750 for Aid to County Libraries.  
30

## 31 SECTION 29 - H950 - STATE MUSEUM COMMISSION

32

33 **29.1.** (MUSM: Removal From Collections) The commission may remove accessioned objects from its museum collections by  
34 gift to another public or nonprofit institution, by trade with another public or nonprofit institution, by public sale, by transfer to the  
35 commission's education, exhibit, or study collections or to its operating property inventory; or as a last resort, by intentional  
36 destruction on the condition that the objects so removed meet with one or more of the following criteria: (1) they fall outside the

1 scope of the South Carolina Museum Commission's collections as defined in the Collection Policy; (2) they are unsuitable for  
2 exhibition or research; (3) they are inferior duplicates of other objects in the collection; or (4) they are forgeries or were acquired on  
3 the basis of false information; funds from the sale of such objects will be placed in a special revolving account for the commission  
4 to use solely for the purpose of purchasing objects for the collections of the State Museum.

5 **29.2.** (MUSM: Museum Store) The Museum Commission shall establish and administer a museum store in the State Museum.  
6 This store may produce, acquire, and sell merchandise relating to historical, scientific, and cultural sources. All profits received from  
7 the sale of such merchandise shall be retained by the Museum Commission in a restricted fund to be carried forward into the following  
8 fiscal year. These funds may be used for store operations, publications, acquisitions, educational programs, exhibit production and  
9 general operating expenses provided that the expenditures for such expenses are approved by the General Assembly in the annual  
10 Appropriation Act.

11 **29.3.** (MUSM: Retention of Revenue) The Museum Commission may retain revenue received from admissions, program fees,  
12 facility rentals, professional services, donations, food service, exhibits and exhibit components, and other miscellaneous operating  
13 income generated by or for the museum and may expend such revenue for general operating expenses provided that such expenditures  
14 are approved by the General Assembly in the annual Appropriation Act. Any unexpended revenue from these sources may be carried  
15 forward into the current fiscal year to be expended for the same purposes.

16 **29.4.** (MUSM: School Tour Fee Prohibition) The commission may not charge admission fees to groups of children from South  
17 Carolina who have made reservations that are touring the museum as part of a school function.

18 **29.5.** (MUSM: Dining Area Rent) Of the space currently vacant in the Columbia Mills Building, space large enough for the  
19 museum to have dining space for school-aged children shall be provided to the State Museum at no cost.

20 **29.6.** (MUSM: Remittance to General Services) The State Museum is directed to remit not less than \$1,800,000 to the  
21 Department of Administration as compensation for expenses associated with the premises it leases in the Columbia Mills Building.  
22 In the event the General Assembly or the Executive Budget Office implements a mid-year across-the-board budget reduction, the  
23 rent that the State Museum remits to the Department of Administration shall be reduced by the same percentage as the assessed  
24 budget reduction.

25  
26 **SECTION 30 - H960 - CONFEDERATE RELIC ROOM AND MILITARY MUSEUM COMMISSION**

27  
28 **30.1.** (CRR: Southern Maritime Collection) The Confederate Relic Room and Military Museum Commission, on behalf of the  
29 Hunley Commission is authorized to expend funds appropriated for such purpose to pay the outstanding note entered into to finance  
30 the purchase of the Southern Maritime Collection and the Hunley Commission will assume custody and management of the  
31 Collection for the State. The commission is authorized to use up to \$500,000 of the funds transferred for implementation of this  
32 proviso. The balance of the funds transferred may be used by the commission for costs associated with other Museum operations.  
33 The General Assembly will provide for funds in future fiscal years to cover the costs of the financing of the Southern Maritime  
34 Collection.

35

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

2

3     **32.1.** (VR: Production Contracts Revenue) All revenues derived from production contracts earned by people with disabilities  
4 receiving job readiness training at the agency's Work Training Centers may be retained by the State Agency of Vocational  
5 Rehabilitation and used in the facilities for Client Wages and any other production costs; and further, any excess funds derived from  
6 these production contracts may be used for other operating expenses and/or permanent improvements of these facilities.

7     **32.2.** (VR: Reallotment Funds) To maximize utilization of federal funding and prevent the loss of such funding to other states  
8 in the Basic Service Program, the State Agency of Vocational Rehabilitation be allowed to budget reallotment and other funds  
9 received in excess of original projections in following State fiscal years.

10     **32.3.** (VR: User/Service Fees) Any revenues generated from user fees or service fees charged to the general public or other  
11 parties ineligible for the department's services may be retained to offset costs associated with the related activities so as to not affect  
12 the level of service for regular agency clients.

13     **32.4.** (VR: Meal Ticket Revenue) All revenues generated from sale of meal tickets may be retained by the agency and expended  
14 for supplies to operate the agency's food service programs or cafeteria.

15     **32.5.** (VR: Basic Services Program - Educational Scholarships) For those persons with disabilities who are eligible for and are  
16 receiving services under an approved plan of the South Carolina Vocational Rehabilitation Department (consistent with the 1973  
17 Rehabilitation Act, as amended) tuition costs at state supported institutions (four year, technical, or trade schools) will not increase  
18 beyond the 1998 tuition rate, will be provided, or will be waived by the respective institution after the utilization of any other federal  
19 or state student aid for which the student is eligible. Persons eligible for this tuition reduction or sponsorship must meet all academic  
20 requirements of the particular institution and be eligible for State need-based scholarships as defined in Chapter 142, Title 59, Code  
21 of Laws of South Carolina, 1976.

22

23     **SECTION 33 - J020 - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

24

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

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

1 contractual arrangements involving reimbursement of providers. The Revenue and Fiscal Affairs Office shall update the composite  
2 index so as to have the index available for each contract renewal.

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

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

11 **33.4.** (DHHS: Third Party Liability Collection) The Department of Health and Human Services is allowed to fund the net costs  
12 of any Third Party Liability and Drug Rebate collection efforts from the monies collected in that effort.

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

20 **33.6.** (DHHS: Medically Indigent Assistance Fund) The department is authorized to expend disproportionate share funds to all  
21 eligible hospitals with the condition that all audit exceptions through the receipt and expenditures of these funds are the liability of  
22 the hospital receiving the funds.

23 **33.7.** (DHHS: Registration Fees) The department is authorized to receive and expend registration fees for educational, training,  
24 and certification programs.

25 **33.8.** (DHHS: Fraud and Abuse Collections) The Department of Health and Human Services may offset the administrative costs  
26 associated with controlling fraud and abuse.

27 **33.9.** (DHHS: Medicaid Eligibility Transfer) The South Carolina Department of Health and Human Services (DHHS) is hereby  
28 authorized to determine the eligibility of applicants for the South Carolina Medicaid Program in accordance with the State Plan  
29 Under Title XIX of The Social Security Act Medical Assistance Program. The governing authority of each county shall provide  
30 office space and facility service for this function as they do for DSS functions under Section 43-3-65.

31 **33.10.** (DHHS: Franchise Fees Suspension) Franchise fees imposed on nursing home beds and enacted by the General Assembly  
32 during the 2002 session are suspended.

33 **33.11.** (DHHS: Program Integrity Efforts) The Department of Health and Human Services is instructed to expand its program  
34 integrity efforts by utilizing resources both within and external to the agency including, but not limited to, the ability to contract with  
35 other entities for the purpose of maximizing the department's ability to detect and eliminate provider fraud.

1       **33.12.** (DHHS: Post Payment Review) The department is directed to perform post payment reviews as permitted under Medicaid  
2 regulations to ensure compliance with the Hyde Amendment provisions as it relates to the performance of medically necessary  
3 services under the Medicaid program. The results of such reviews shall be available to the General Assembly upon request in a  
4 format that meets the requirements of the Health Insurance Accountability and Portability Act (HIPAA) and Medicaid confidentiality  
5 regulations.

6       **33.13.** (DHHS: Long Term Care Facility Reimbursement Rates) The department shall direct staff to complete and submit its  
7 Medicaid State Plan Amendment for long term care facility reimbursement rates to the Director of the Department of Health and  
8 Human Services by August first of each year. The director shall review the plan and submit to the Federal Government on or before  
9 August fifteenth of each year provided the State Appropriations Act has been enacted by that date. All additional requests for  
10 information from CMS concerning the plan shall be promptly submitted to CMS by the Department of Health and Human Services.

11       **33.14.** (DHHS: Nursing Services to High Risk/High Tech Children) The Department of Health and Human Services shall continue  
12 a separate classification and compensation plan for Registered Nurses (RN) and Licensed Practical Nurses (LPN) who provide  
13 services to Medically Fragile Children, who are Ventilator dependent, Respirator dependent, Intubated, and Parenteral feeding or  
14 any combination of the above. The classification plan shall recognize the skill level that these nurses caring for these Medically  
15 Fragile Children must have over and above normal home-care or school-based nurses.

16       **33.15.** (DHHS: ~~SCHIP~~ CHIP Enrollment and Recertification) The Department of Health and Human Services shall enroll and  
17 recertify eligible children to the State Children's Health Insurance Program (~~SCHIP~~ CHIP) and ~~must~~ may use available state agency  
18 program data *including, but not limited to, that* housed in the Revenue and Fiscal Affairs Office, to include the Department of Social  
19 Services' ~~Food Stamp program~~ *Supplemental Nutritional Assistance Program (SNAP)* and *poverty-related information from* the  
20 Department of ~~Education's Free and Reduced Meal eligibility data~~ *Education*. Use of this data and cooperative efforts between state  
21 agencies reduces the cost of outreach and maintenance of eligibility for ~~SCHIP~~ CHIP.

22       **33.16.** (DHHS: Carry Forward) The Department of Health and Human Services is authorized to carry forward cash balances from  
23 the prior fiscal year into the current fiscal year for any earmarked or restricted trust and agency, or special revenue account or subfund.  
24 The department shall submit a comprehensive reporting of all cash balances brought forward from the prior fiscal year. The report  
25 shall, at a minimum, for each account or subfund include the following: the statutory authority that allows the funds to be carried  
26 forward, the maximum authorized amount that can be carried forward, the general purpose or need for the carry forward, the specific  
27 source(s) of funding or revenue that generated the carry forward, and a detailed description of any pending obligations against the  
28 carry forward. The report must be submitted to the President Pro Tempore of the Senate, Chairman of the Senate Finance Committee,  
29 Speaker of the House of Representatives, and Chairman of the House Ways and Means Committee, within fifteen days after the  
30 Comptroller General closes the fiscal year.

31       **33.17.** (DHHS: Medicaid Provider Fraud) The department shall expand and increase its effort to identify, report, and combat  
32 Medicaid provider fraud. The department shall publish on its' agency homepage by April first, of the current fiscal year, the results  
33 of these efforts, the funds recovered, and information pertaining to prosecutions of such cases, including pleas agreements entered  
34 into.

35       **33.18.** (DHHS: GAPS) The requirements of Article 5, Chapter 6, Title 44 shall be suspended for the current state fiscal year.

1     **33.19.** (DHHS: Disproportionate Share - DMH) ~~For the current fiscal year, the department is directed to transfer funds to the~~  
2 ~~Department of Mental Health to make up any shortfall in disproportionate share funding due to rule changes from the Center for~~  
3 ~~Medicare and Medicaid Services from the latest federal fiscal year amount. The department must also take any necessary action,~~  
4 ~~including the submission of an amendment to the State Medicaid Plan, to minimize the impact of disproportionate share funding~~  
5 ~~redistribution to the Department of Mental Health in future years.~~

6     **33.20.** (DHHS: Contract Authority) The Department of Health and Human Services is authorized to contract with community-  
7 based not-for-profit organizations for local projects that further the objectives of department programs. The department shall develop  
8 policies and procedures and may promulgate regulations to assure compliance with state and federal requirements associated with  
9 the funds used for the contracts and to assure fairness and accountability in the award and administration of these contracts. The  
10 department may require a match from contract recipients. The department shall report to the Chairman of the Senate Finance  
11 Committee and the Chairman of the House Ways and Means Committees on the contracts administered.

12     **33.21.** (DHHS: Medicaid Accountability and Quality Improvement Initiative) From the funds appropriated and authorized to the  
13 Department of Health and Human Services, the department is authorized to implement the following accountability and quality  
14 improvement initiatives:

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

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

21     (C) Rural Hospital DSH Payment - Medicaid-designated rural hospitals in South Carolina may be eligible to receive up to one  
22 hundred percent of costs associated with uncompensated care as part of the DSH program. Funds shall be allocated from the existing  
23 DSH program ~~and shall not exceed \$25,000,000 total funds.~~ To be eligible, rural hospitals must participate in reporting and quality  
24 guidelines published by the department and outlined in the Healthy Outcomes Initiative. In addition to the requirements placed upon  
25 them by the department, rural hospitals must actively participate with the department and any other stakeholder identified by the  
26 department, in efforts to design an alternative health care delivery system in these regions.

27     (D) Primary Care Safety Net - The department shall implement a methodology to reimburse safety net providers participating  
28 in a hospital Healthy Outcomes Initiative program to provide primary care, behavioral health services, and pharmacy services for  
29 chronically ill individuals that do not have access to affordable insurance. Qualifying safety net providers are approved, licensed,  
30 and duly organized Federally Qualified Health Centers (FQHCs; *and other* entities receiving funding under Section 330 of the Public  
31 Health Services Act, ~~and FQHC Look-A-Likes~~), Rural Health Clinics (RHCs), local alcohol and drug abuse authorities established  
32 by Act 301 of 1973, Free Clinics, other clinics serving the uninsured, and Welvista. The department shall formulate a methodology  
33 and allocate ~~at least \$5,000,000~~ \$4,000,000 for innovative care strategies for qualifying safety net providers. The department shall  
34 formulate a separate methodology and allocate ~~\$8,000,000~~ \$6,400,000 of funding to FQHCs ~~at least \$4,000,000 for documented~~  
35 ~~capital needs for FQHCs, at least \$2,000,000~~ \$1,600,000 ~~for~~ of funding for Free Clinics, and ~~at least \$2,000,000~~ \$1,600,000  
36 of funding for local alcohol and drug abuse authorities created under Act 301 of 1973. The department shall develop a process for

1 obtaining encounter-level data that may be used to ~~access~~ assess the cost and impact of services provided through this proviso. *The*  
2 *department shall also explore a transition to a prospective payment system for FOHCs to provide greater predictability and stability*  
3 *for FOHC budgets.*

4 (E) Rural and Underserved Area Provider Capacity - The department shall incentivize the development of primary care access  
5 in rural and underserved areas through the following mechanisms:

6 (1) the department shall leverage Medicaid spending on Graduate Medical Education (GME) by implementing  
7 methodologies that support recommendations contained in the January 2014 report of the South Carolina GME Advisory Group;

8 (2) the department shall develop or continue a program to leverage the use of teaching hospitals to provide rural physician  
9 coverage, expand the use of Telemedicine, and ensure targeted placement and support of OB/GYN services in at least four counties  
10 with a demonstrated lack of adequate OB/GYN resources by June 30, ~~2016~~ 2017; and

11 (3) during the current fiscal year the department shall contract with the MUSC Hospital Authority in the amount of  
12 \$10,000,000 to lead the development and operation of an open access South Carolina Telemedicine Network. Working with the  
13 department, the MUSC Hospital Authority shall collaborate with Palmetto Care Connections to pursue this goal. No less than  
14 \$1,000,000 of these funds shall be allocated toward support of Palmetto Care Connections and other hospitals in South Carolina.  
15 MUSC Hospital Authority must provide the department with quarterly reports regarding the funds allocation and progress of  
16 telemedicine transformation efforts and networks. MUSC Hospital Authority shall publish a summary report to the General  
17 Assembly indicating the overall progress of the state's telemedicine transformation by March 1, ~~2015~~ 2017. In addition, the  
18 department shall also contract with the MUSC Hospital Authority in the amount of \$1,000,000, and the USC School of Medicine in  
19 the amount of \$2,000,000 to further develop statewide teaching partnerships.

20 (4) the department shall partner with the University of South Carolina School of Medicine to develop a statewide Rural  
21 Health Initiative to identify strategies for significantly improving health care access, supporting physicians, and reducing health  
22 inequities in rural communities. Any funding supplied by the department in support of the Rural Health Initiative may be deducted  
23 from the allocation made to the USC School of Medicine in section (E)(3) of this proviso.

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

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

31 (H) The department ~~shall~~ may pilot an all-inclusive health intervention program for wrap-around care to vulnerable mental  
32 health patients who frequent the emergency room in hotspots and underserved areas within the state. The pilot program must provide  
33 reports detailing progress on the target population and health outcomes achieved. These programs may be expanded as their potential  
34 to improve health and lower costs are identified by the department.

35 (I) The department shall publish quarterly reports on the agency's website regarding the department's progress in meeting the  
36 goals established by this provision.



1       **33.22.** (DHHS: Medicaid Healthcare Initiatives Outcomes) Prior to February fifteenth of the current fiscal year, the Director of  
2 the Department of Health and Human Services shall make a presentation to the House Ways and Means Healthcare Budget  
3 Subcommittee on the outcomes of Medicaid healthcare initiatives enacted during the current fiscal year to improve the well-being of  
4 persons enrolled in the Medicaid program and receiving services from Medicaid providers.

5       **33.23.** (DHHS: Carry Forward Authorization) For the current fiscal year, the Department of Health and Human Services is  
6 authorized to carry forward and expend any General Fund balances for the Medicaid program. Within thirty days after the close of  
7 the fiscal year, the department shall report the balance carried forward to the Chairman of the Senate Finance Committee and the  
8 Chairman of the House Ways and Means Committee.

9       **33.24.** (DHHS: Hospital Transformation Plans) ~~The Department of Health and Human Services shall continue a program to help  
10 qualifying hospitals transition to more sustainable models of service delivery that meet the needs of their community and reduce  
11 reliance on inpatient admissions, surgery or high-tech diagnostics. This includes encouraging new long-term partnerships between  
12 rural hospitals and community, tertiary and teaching facilities to ensure seamless, timely and high-quality clinical care for patients in  
13 rural areas of the state. Notwithstanding the provisions in its existing regulations, for the current fiscal year, the Department of  
14 Health and Environmental Control, may in its discretion, make exceptions to applicable licensing standards and regulations where it  
15 is determined that the exception will assist in the successful implementation and operation of the plans developed by the Department  
16 of Health and Human Services pursuant to this provision; the health, safety, and well-being of the community will not be  
17 compromised by the exception; and provided that the standard is not specifically required by statute. The program shall provide  
18 funding that fully or partially offsets the one-time costs of these transitions. The department shall develop the methodology for  
19 funding award amounts and distribution and may prioritize funding to target hotspots of poor health and/or limited health care access.  
20 Total state funds available statewide for transition funding shall not exceed \$15,000,000, less funds allocated during the prior fiscal  
21 year, and the department may leverage federal funds or other funding mechanisms to maximize resources as appropriate and approved  
22 by CMS. Plans must be submitted to the department on or before April 1, 2016. No partnership may receive an allocation in the  
23 current fiscal year that would result in it having received more than \$4,000,000 in cumulative support through the hospital  
24 transformation program. The department shall provide reports detailing progress on transformation efforts to the Chairman of the  
25 Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 1, 2016 and by June 1, 2016.~~

26       **33.25.** (DHHS: Healthcare Workforce Analysis) ~~Of the funds appropriated to the Department of Health and Human Services, the  
27 department shall transfer \$200,000 to the Area Health Education Consortium (AHEC) for the Office of Healthcare Workforce  
28 Analysis.~~

29       **33.26.** (DHHS: Healthy Connections Prime Participation) ~~In the current fiscal year participation in Healthy Connections Prime  
30 shall be limited to individuals who affirmatively elect to participate until April 1, 2016, at which time the department may begin  
31 passively enrolling participants.~~

32       **33.27.** *(DHHS: Rural Health Initiative) From the funds appropriated to the Department of Health and Human Services for the*  
33 *Rural Health Initiative, the department shall partner with the University of South Carolina, School of Medicine to develop a strategic*  
34 *plan for addressing medically underserved communities throughout the state. The department may leverage any and all available*  
35 *federal funds to implement this initiative.*

36       *(A) The Department of Health and Human Services shall develop a plan to address the following provisions:*

1 (1) Rural Healthcare and Education - This initiative will support and develop rural medical education and delivery  
2 infrastructure in South Carolina through clinical practice, training and research within the USC School of Medicine; and

3 (2) Rural Residency Training Enhancement Grants - The department and university shall determine areas for expanding  
4 family medicine residency programs, and any other appropriate primary care specialties identified by the department into areas not  
5 served by Graduate Medical Education programs, in order to expose resident physicians to rural practice and enhance the  
6 opportunity to recruit these residents for long term practice in these communities. Up to \$500,000 of the funds appropriated to the  
7 department for the Rural Health Initiative may be used for this purpose. The department shall determine a number of new residencies  
8 for the university and a methodology for accepting any additional proposals. For each new residency slot, an application for  
9 submission to the Accreditation Council for Graduate Medical Education must be developed no later than June 30, 2017.

10 (B) The Department of Health and Human Services, in cooperation with the State Fiscal Accountability Authority, shall  
11 develop one or more competitive procurements for a facility capable of providing Emergency Care Services in a geographical area  
12 determined by the department to be medically underserved. This facility and any equipment shall be exempt from any Department  
13 of Health and Environmental Control, Certificate of Need requirements or regulations. The facility must provide emergency care  
14 and stabilization beds twenty-four hours a day, seven days a week. The department shall seek one or more proposals from qualified  
15 entities to:

16 (1) Develop a facility capable of providing emergency care, twenty-four hours a day and seven days a week, and designed  
17 to incorporate the utilization of the Statewide Telemedicine Network; and

18 (2) Provide for the delivery of care and the management of daily operations in the facility.

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

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

23  
24  
25 **34.1.** (DHEC: County Health Departments Funding) Out of the appropriation provided in this section for "Access to Care", the  
26 sum of \$25,000 shall be distributed to the county health departments by the commissioner, with the approval of the Board of  
27 Department of Health and Environmental Control, for the following purposes:

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

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

1       **34.2.** (DHEC: County Health Units) General funds made available to the Department of Health and Environmental Control for  
2 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  
3 Department of Health and Environmental Control. The amount of general funds appropriated herein for Access to Care shall be  
4 allocated on a basis such that no county budget shall receive less than the amount received in the prior fiscal year, except when  
5 instructed by the Executive Budget Office or the General Assembly to reduce funds within the department by a certain percentage,  
6 the department may unilaterally reduce the county health units up to the stipulated percentage.

7       **34.3.** (DHEC: Camp Burnt Gin) Private donations or contributions for the operation of Camp Burnt Gin shall be deposited in a  
8 restricted account. These funds may be carried forward and shall be made available as needed to fund the operation of the camp.  
9 Withdrawals from this restricted account must be in accordance with approved procedures.

10       **34.4.** (DHEC: Children's Rehabilitative Services) The Children's Rehabilitative Services shall be required to utilize any  
11 available financial resources including insurance benefits and/or governmental assistance programs, to which the child may otherwise  
12 be entitled in providing and/or arranging for medical care and related services to physically handicapped children eligible for such  
13 services, as a prerequisite to the child receiving such services.

14       **34.5.** (DHEC: Cancer/Hemophilia) Notwithstanding any other provisions of this act, the funds appropriated herein for  
15 prevention, detection and surveillance of cancer as well as providing for cancer treatment services, \$545,449 and the hemophilia  
16 assistance program, \$1,186,928 shall not be transferred to other programs within the agency and when instructed by the Executive  
17 Budget Office or the General Assembly to reduce funds within the department by a certain percentage, the department may not act  
18 unilaterally to reduce the funds for any cancer treatment program and hemophilia assistance program provided for herein greater than  
19 such stipulated percentage.

20       **34.6.** (DHEC: Local Health Departments) Counties of the state will be relieved of contribution requirements for salary, fringe  
21 benefits and travel reimbursement to local health departments. The amount of \$5,430,697 is appropriated for county health  
22 department salaries, fringe benefits and travel. These funds and other state funds appropriated for county health units may, based  
23 upon need, be utilized in either salary or travel categories. Each county shall provide all other operating expenses of the local health  
24 department in an amount at least equal to that appropriated for operations for each county in Fiscal Year 1981. In the event any  
25 county makes uniform reductions in appropriations to all agencies or departments for maintenance and operations, exclusive of  
26 salaries and fringe benefits, a like reduction shall be made in funds appropriated for the operating expenses of the local health  
27 department.

28       **34.7.** (DHEC: Insurance Refunds) The Department of Health and Environmental Control is authorized to budget and expend  
29 monies resulting from insurance refunds for prior year operations for case services in family health.

30       **34.8.** (DHEC: Emergency Medical Services) Funds appropriated herein for Emergency Medical Services, shall be allocated for  
31 the purpose of improving and upgrading the EMS system throughout the state. The monies allocated to the Counties are for the  
32 purpose of improving or upgrading the local EMS system through the licensed ambulance services, the monies allocated to the EMS  
33 Regional Councils are for the administration of training programs and technical assistance to local EMS organizations and county  
34 systems. All additional funds are to be allocated as follows: to the counties at the ratio of eighty-one percent of the additional funds  
35 appropriated herein, to the EMS Regions at a ratio of twelve percent of the additional funds appropriated herein and to the state EMS  
36 Office at the ratio of seven percent of the additional funds appropriated herein. The Department of Health and Environmental Control

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

9 **34.9.** (DHEC: Rape Violence Prevention Contract) Of the amounts appropriated in Rape Violence Prevention, \$1,103,956 shall  
10 be used to support programmatic efforts of the state's rape crisis centers with distribution of these funds based on the Standards and  
11 Outcomes for Rape Crisis Centers and each center's accomplishment of a preapproved annual action plan. For the current fiscal  
12 year, the department shall not reduce these contracts below the current funding level.

13 **34.10.** (DHEC: Sickle Cell Blood Sample Analysis) \$16,000 is appropriated in Independent Living for the Sickle Cell Program  
14 for Blood Sample Analysis and shall be used by the department to analyze blood samples submitted by the four existing regional  
15 programs - Region I, Barksdale Sickle Cell Anemia Foundation in Spartanburg; Region II, Clark Sickle Cell Anemia Foundation in  
16 Columbia; Region III, Committee on Better Racial Assurance Hemoglobinopathy Program in Charleston; and the Orangeburg Area  
17 Sickle Cell Anemia Foundation.

18 **34.11.** (DHEC: Sickle Cell Programs) \$761,233 is appropriated for Sickle Cell program services and shall be apportioned as  
19 follows:

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

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

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

34 **34.12.** (DHEC: Genetic Services) The sum of \$104,086 appearing under the Independent Living program of this act shall be  
35 appropriated to and administered by the Department of Health and Environmental Control for the purpose of providing appropriate  
36 genetic services to medically needy and underserved persons. Such funds shall be used by the department to administer the program

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

5 **34.13.** (DHEC: Revenue Carry Forward Authorization) The Department of Health and Environmental Control is hereby  
6 authorized to collect, expend, and carry forward revenues in the following programs: Sale of Goods (confiscated goods, arm patches,  
7 etc.), sale of meals at Camp Burnt Gin, sale of publications, brochures, Spoil Easement Areas revenue, performance bond forfeiture  
8 revenue for restoring damaged critical areas, beach renourishment appropriations, photo copies and certificate forms, including but  
9 not limited to, pet rabies vaccination certificate books, sale of listings and labels, sale of State Code and Supplements, sale of films  
10 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  
11 of software products developed and owned by the Department, and collection of registration fees for non-DHEC employees. Any  
12 unexpended balance carried forward must be used for the same purpose.

13 **34.14.** (DHEC: Medicaid Nursing Home Bed Days) Pursuant to Section 44-7-84(A) of the 1976 Code, the maximum number of  
14 Medicaid patient days for which the Department of Health and Environmental Control is authorized to issue Medicaid nursing home  
15 permits is 4,452,015.

16 **34.15.** (DHEC: Health Licensing Fee) Funds resulting from an increase in the Health Licensing Fee Schedule shall be retained  
17 by the department to fund increased responsibilities of the health licensing programs. Failure to submit a license renewal application  
18 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  
19 amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal  
20 applications and/or fees by the time period specified by the department shall result in enforcement actions. The department may  
21 waive any or all of the assessed late fees in extenuating circumstances, as long as it is with public knowledge.

22 **34.16.** (DHEC: Infectious Waste Contingency Fund) The Department of Health and Environmental Control is authorized to use  
23 not more than \$75,000 from the Infectious Waste Contingency Fund per year for personnel and operating expenses to implement the  
24 Infectious Waste Act.

25 **34.17.** (DHEC: Nursing Home Medicaid Bed Day Permit) When transfer of a Medicaid patient from a nursing home is necessary  
26 due to violations of state or federal law or Medicaid certification requirements, the Medicaid patient day permit shall be transferred  
27 with the patient to the receiving nursing home. The receiving facility shall apply to permanently retain the Medicaid patient day  
28 permit within sixty days of receipt of the patient.

29 **34.18.** (DHEC: Mineral Sets Revenue) The department is authorized to charge a reasonable fee for mineral sets. Funds generated  
30 from the sale of mineral sets may be retained by the department in a revolving account with a maximum carry forward of \$2,000 and  
31 must be expended for mineral set supplies and related mining and reclamation educational products.

32 **34.19.** (DHEC: Spoil Easement Areas Revenue) The department is authorized to collect, retain and expend funds received from  
33 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  
34 providing adequate spoil easement areas for the Atlantic Intracoastal Waterway in South Carolina.

35 **34.20.** (DHEC: Per Visit Rate) The SC DHEC is authorized to compensate nonpermanent, part-time employees on a fixed rate  
36 per visit basis. Compensation on a fixed rate per visit may be paid to employees for whom the department receives per visit

1 reimbursement from other sources. These individuals will provide direct patient care in a home environment. The per visit rate may  
2 vary based on the discipline providing the care and the geographical location of services rendered. Management may pay exempt or  
3 nonexempt employees as defined by the Fair Labor Standards Act only when they are needed to work. Individuals employed in this  
4 category may exceed twelve months, but are not eligible for State benefits except for the option of contributing to the State Retirement  
5 System.

6 **34.21.** (DHEC: Allocation of Indirect Cost and Recoveries) The department shall continue to deposit in the general fund all  
7 indirect cost recoveries derived from state general funds participating in the calculation of the approved indirect cost rate. Further  
8 administration cost funded with other funds used in the indirect cost calculation may, based on their percentage, be retained by the  
9 agency to support the remaining administrative costs of the agency.

10 **34.22.** (DHEC: Permitted Site Fund) The South Carolina Department of Health and Environmental Control may expend funds as  
11 necessary from the permitted site fund established pursuant to Section 44-56-160(B)(1), for legal services related to environmental  
12 response, regulatory, and enforcement matters, including administrative proceedings and actions in state and all federal courts.

13 **34.23.** (DHEC: Shift Increased Funds) The director is authorized to shift increased appropriated funds in this act to offset  
14 shortfalls in other critical program areas.

15 **34.24.** (DHEC: Health Licensing Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of  
16 Health Facilities Licensing (BHFL) assesses civil monetary penalties against nonconforming providers. BHFL shall retain up to the  
17 first \$50,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce  
18 the provisions of regulations applicable to that division. These funds shall be separately accounted for in the department's fiscal  
19 records.

20 **34.25.** (DHEC: Health ~~Facility~~ Facilities Licensing Monetary Penalties) In the course of regulating health care facilities/ and  
21 services, the ~~Division of Construction/Fire & Life Safety (DCFLS)~~ Bureau of Health Facilities Licensing (BHFL) assesses civil  
22 monetary penalties against nonconforming providers. ~~DCFLS~~ BHFL shall retain up to the first \$100,000 of civil monetary penalties  
23 collected each fiscal year and these funds shall be utilized solely to carry out and enforce the provisions of regulations applicable to  
24 that division. These funds shall be separately accounted for in the department's fiscal records. Regulations for nursing home staffing  
25 for ~~Fiscal Year 2015-16~~ the current fiscal year must (1) provide a minimum of one and sixty-three hundredths (1.63) hours of direct  
26 care per resident per day from the non-licensed nursing staff; and (2) maintain at least one licensed nurse per shift for each staff work  
27 area. All other staffing standards and non-staffing standards established in Standards for Licensing Nursing Homes: R61-17, Code  
28 of State Regulations, must be enforced.

29 **34.26.** (DHEC: Radiological Health Monetary Penalties) In the course of regulating health care facilities/services, the Bureau of  
30 Radiological Health (BRH) assesses civil monetary penalties against nonconforming providers. BRH shall retain up to the first  
31 \$30,000 of civil monetary penalties collected each fiscal year and these funds shall be utilized solely to carry out and enforce the  
32 provisions of regulations applicable to that Bureau. These funds shall be separately accounted for in the department's fiscal records.

33 **34.27.** (DHEC: Prohibit Use of Funds) The Department of Health and Environmental Control must not use any state appropriated  
34 funds to terminate a pregnancy or induce a miscarriage by chemical means.

35 **34.28.** (DHEC: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work  
36 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

1       **34.29.** (DHEC: Compensatory Payment) In the event the President of the United States has declared a state of emergency or the  
2 Governor has declared a state of emergency in a county in the State, Fair Labor Standards Act exempt employees of the department  
3 may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency Director, and providing  
4 funds are available.

5       **34.30.** (DHEC: Beach Renourishment and Monitoring and Coastal Access Improvement) If state funds are made available or  
6 carried forward from any general revenue, capital, surplus or bond funding appropriated to the department for beach renourishment  
7 and maintenance, the department shall be able to expend not more than \$100,000 of these funds annually to support annual beach  
8 profile monitoring. Additional funds made available or carried forward for beach renourishment projects that are certified by the  
9 department as excess may be spent for beach renourishment and departmental activities that advance the policy goals contained in  
10 the State Beachfront Management Plan, R.30-21.

11       **34.31.** (DHEC: South Carolina State Trauma Care Fund) Of the funds appropriated to the South Carolina State Trauma Care  
12 Fund, \$2,268,885 shall be utilized for increasing the reimbursement rates for trauma hospitals, for trauma specialists' professional  
13 fee, for increasing the capability of EMS trauma care providers from counties with a high rate of traumatic injury deaths to care for  
14 injury patients, and for support of the trauma system, based on a methodology as determined by the department with guidance and  
15 input from the Trauma Council as established in Section 44-61-530 of the South Carolina Code of Laws. The methodology to be  
16 developed will include a breakdown of disbursement of funds by percentage, with a proposed seventy-six and one half percent  
17 disbursed to hospitals and trauma physician fees, sixteen percent of the twenty-one percent must be disbursed to EMS providers for  
18 training EMTs, Advanced EMTs and paramedics by the four regional councils of this state and the remaining five percent must be  
19 disbursed to EMS providers in counties with high trauma mortality rates, and two and one half percent allocated to the department  
20 for administration of the fund and support of the trauma system. The Department of Health and Environmental Control shall  
21 promulgate regulations as required in Section 44-61-540 of the 1976 Code for the administration and oversight of the Trauma Care  
22 Fund.

23       **34.32.** (DHEC: Pandemic Influenza) The Department of Health and Environmental Control shall assess South Carolina's ability  
24 to cope with a major influenza outbreak or pandemic influenza and maintain an emergency plan and stockpile of medicines and  
25 supplies to improve the state's readiness condition. The department shall report on preparedness measures to the Speaker of the  
26 House of Representatives, the President Pro Tempore of the Senate, and the Governor by November first, each year. The department,  
27 in conjunction with the Department of Health and Human Services, is authorized to establish a fund for the purpose of developing  
28 an emergency supply, stockpile, and distribution system of appropriate antiviral, antibiotic, and vaccine medicines and medical  
29 supplies. In the event the United States Department of Health and Human Services makes available medicines or vaccines for  
30 purchase by states via federal contract or federally subsidized contract or other mechanism, the department, with Executive Budget  
31 Office approval, may access appropriated or earmarked funds as necessary to purchase an emergency supply of these medicines for  
32 the State of South Carolina.

33       **34.33.** (DHEC: Pharmacist Services) For the current fiscal year, provisions requiring that all department facilities distributing or  
34 dispensing prescription drugs be permitted by the Board of Pharmacy and that each pharmacy have a pharmacist-in-charge are  
35 suspended. Each Department of Health and Environmental Control Public Health Region shall be required to have a permit to  
36 distribute or dispense prescription drugs. A department pharmacist may serve as the pharmacist-in-charge without being physically

1 present in the pharmacy. The department is authorized to designate one pharmacist-in-charge to serve more than one department  
2 facility. Only pharmacists, nurses, or physicians are allowed to dispense and provide prescription drugs/products/vaccines for  
3 conditions or diseases that the department treats, monitors, or investigates. In the event of a public health emergency or upon  
4 activation of the strategic national stockpile, other medications may be dispensed as necessary.

5 **34.34.** (DHEC: Coastal Zone Appellate Panel) The Coastal Zone Appellate Panel as delineated in Section 48-39-40 of the 1976  
6 Code under the Department of Health and Environmental Control shall be suspended for the current fiscal year.

7 **34.35.** (DHEC: Rural Hospital Grants) Rural Hospital Grants funds shall be allocated to public hospitals in very rural or rural  
8 areas whose largest town is less than 25,000 and whose licensed bed capacity does not exceed two hundred beds. Hospitals qualifying  
9 for the grants shall utilize such funds for any of the following purposes: (a) the development of preventive health programs, medical  
10 homes, and primary care diversion from emergency departments; (b) expanded health services, including physician recruitment and  
11 retention; (c) to improve hospital facilities; (d) activities involving electronic medical records or claims processing systems; (e) to  
12 enhance disease prevention activities in diabetes, heart disease, etc; and (f) activities to ensure compliance with State or Federal  
13 regulations.

14 **34.36.** (DHEC: Camp Burnt Gin) Notwithstanding any other provision of law, the funds appropriated to the department pursuant  
15 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  
16 a budget reduction.

17 **34.37.** (DHEC: Metabolic Screening) The department may suspend any activity related to blood sample storage as outlined in  
18 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,  
19 the samples may be destroyed in a scientifically appropriate manner after testing. The department shall notify providers of the  
20 suspension within thirty days of its effective date.

21 **34.38.** (DHEC: Fetal Pain Awareness) (A) The department must utilize at least one hundred dollars to prepare printed materials  
22 concerning information that unborn children at twenty weeks gestation and beyond are fully capable of feeling pain and the right of  
23 a woman seeking an abortion to ask for and receive anesthesia to alleviate or eliminate pain to the fetus during an abortion procedure.  
24 The materials must be provided to each abortion provider in the State and must be placed in a conspicuous place in each examination  
25 room at the doctor's office. The materials must contain only the following information:

26 "Fetal Pain Awareness

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

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

31 **34.39.** (DHEC: SCHIDS) From funds appropriated for Chronic Disease Prevention, the department shall establish a South  
32 Carolina Health Integrated Data Services (SCHIDS) program to disseminate data about prevalence, treatment and cost of disease  
33 from the South Carolina Health and Human Services Data Warehouse and in particular the Medicaid System. The purpose of the  
34 program is to educate communities statewide about improving health and wellness through lifestyle changes.

35 The Revenue and Fiscal Affairs Office shall provide data needed by the SCHIDS program to fulfill its mission, and all state  
36 agencies and public universities involved in educating South Carolinians through public programs for the purpose of improving



1 health and wellness shall communicate with the program in order to improve collaboration and coordination and the possible use of  
2 SCHIDS to assist in the evaluation of program outcomes.

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

5 **34.40.** (DHEC: Abstinence Education Contract) For the current fiscal year, funds made available to the State of South Carolina  
6 under the provisions of Title V, Section 510, may only be awarded to other entities through a competitive bidding process.

7 **34.41.** (DHEC: Immunizations) The department is authorized to utilize the funds appropriated for immunizations to hire  
8 temporary personnel to address periods of high demand for immunizations at local health departments.

9 **34.42.** (DHEC: Obesity) The Department of Health and Environmental Control is charged with addressing the public health of  
10 our citizens and shall be the convener and coordinator of the fight against Obesity in South Carolina. Because addressing the obesity  
11 epidemic requires behavioral, educational, systemic, medical, and community involvement, the following state agencies should use  
12 their best efforts to cooperate with the requests of the department and its partners to facilitate an environment that decreases body  
13 mass index (BMI): Department of Education; Department of Health and Human Services; Department of Social Services;  
14 Department of Mental Health; Medical University of South Carolina; University of South Carolina Arnold School of Public Health;  
15 Department of Parks, Recreation and Tourism; Department of Commerce; Department of Transportation; and Commission for the  
16 Blind.

17 In addition, school districts must provide the Department of Health and Environmental Control with information regarding their  
18 progress towards meeting certain provisions of the Student Health and Fitness Act of 2005, specifically: Section 59-10-10 regarding  
19 the average number of minutes students exercise weekly; Section 59-10-50 regarding the SC Physical Education Assessment; Section  
20 59-10-310 regarding efforts to promote healthy eating patterns; Section 59-10-320 regarding assessment of school district health  
21 education programs; Section 59-10-340 regarding snacks in vending machines; and Section 59-10-360 regarding health curriculum.  
22 The department is given the authority to collect, compile and assess the progress of the State and the School Districts in meeting the  
23 goals of this act.

24 **34.43.** (DHEC: Residential Treatment Facilities Swing Beds) For Fiscal Year ~~2015-16~~ 2016-17 in coordination with the South  
25 Carolina Health Plan and to improve access for acute psychiatric beds as patient populations demand, Residential Treatment Facilities  
26 (RTF) may swing up to eighteen beds per qualifying facility to accommodate patients with a diagnosis of an acute psychiatric  
27 disorder. In order to qualify to utilize swing beds a facility must meet the following criteria: the facility must currently have both  
28 licensed acute psychiatric and residential treatment facility beds, the RTF beds must meet the same licensure requirements as the  
29 existing licensed acute psychiatric beds, and any facility utilizing swing beds must keep the acute and RTF patient populations  
30 separate and distinct. The utilization of swing beds must also comply with all federal Centers for Medicare and Medicaid Services  
31 rules and regulations.

32 **34.44.** (DHEC: Tuberculosis Outbreak) (A) Upon discovery of a tuberculosis outbreak, the Department of Health and  
33 Environmental Control may expend any funds available to the agency, for the purpose of surveillance, investigation, containment,  
34 and treatment activities related thereto.

35 (B) During an investigation of an index tuberculosis patient, the Department of Health and Environmental Control, through the  
36 South Carolina Health Alert Network, must notify the patient's community that a tuberculosis contact investigation is being

1 conducted into the possible exposure to tuberculosis. This subsection only applies if the investigation of the patient has met all of  
2 the following criteria:

3 (1) abnormal chest x-rays;  
4 (2) positive Acid Fast Bacilli (AFB) sputum results; and  
5 (3) first round of contact investigation completed with results of individuals testing positive outside of the index patient's  
6 family.

7 (C) Upon being informed of or having reason to suspect a case of tuberculosis that is capable of transmitting tubercle bacilli at a  
8 school or child care center involving a student, teacher, employee, volunteer, or an individual working at the school or child care  
9 center for an employer providing services to the school or child care center, the department immediately shall notify:

10 (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  
11 (2) if the case is at a child care center, the director of the child care center; and

12 (D) When informing the principal of a school or the director of a child care center about a known or suspected case of tuberculosis  
13 that is capable of transmitting tubercle bacilli as provided for in subsection (C), the department shall provide:

14 (1) an update addressing the:  
15 (a) status of the investigation, including the steps the department is taking to identify the source and extent of the  
16 exposure and the risks of additional exposure; and

17 (b) steps the school or child care center must take to assist the department in controlling the spread of the tuberculosis  
18 infection; and

19 (2) information and other resources to distribute to parents and guardians that discuss how to assist the department in  
20 identifying and managing the tuberculosis infection.

21 **34.45.** (DHEC: Abstinence-Until-Marriage Emerging Programs) (A) From the funds appropriated to DHEC in this act as a  
22 Special Item and titled "Abstinence-Until Marriage Emerging Programs" the department shall award a twelve month grant for  
23 abstinence-until-marriage emerging programs. This funding shall be awarded by the department only to nonprofit 501(c)(3) agencies  
24 meeting all the A-H Title V, Section 510 definitions of Abstinence Education.

25 (B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

26 (C) Applicants must provide a budget and budget narrative to the department that explains how the funds will be used.

27 (D) Prior to application, proposed programs/curricula must be certified by the National Abstinence Education Association  
28 (NAEA) as meeting and being in compliance with all of the Title V, Section 510 A-H requirements for abstinence-until-marriage  
29 education programs.

30 (E) The department shall determine and develop the necessary application for awards.

31 (F) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the South  
32 Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the  
33 South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

34 Organizations or individuals awarded grants must provide quarterly reports on expenditures and participation to the Department  
35 of Health and Environmental Control and the Department of Social Services within fifteen days of the end of each quarter.

36 (G) Grantees failing to submit reports within thirty days of the end of each quarter will be terminated.

1       **34.46.** (DHEC: Abstinence Until Marriage Evidence-Based Programs Funding) From the monies appropriated for the  
2 Continuation of Teen Pregnancy Prevention, contracts must be awarded to separate private, nonprofit 501(c)(3) entities to provide  
3 Abstinence Until Marriage teen pregnancy prevention programs and services within the State that meet all of the A-H Title V, Section  
4 510 definitions of Abstinence Education. Contracts must be awarded utilizing a competitive approach in accordance with the South  
5 Carolina Procurement Code. Proposed programs/curricula must be certified by the National Abstinence Education Association  
6 (NAEA) as meeting and being in compliance with all of the Title V, Section 510 A-H requirement for abstinence-until-marriage  
7 education programs. Applicants must provide a budget for the proposed project for which the application is being made. Monies  
8 will be paid over a twelve month basis for services rendered. Unexpended funds shall be carried forward for the purpose of fulfilling  
9 the department's contractual agreement. The programs implemented by the entity awarded a contract pursuant to this proviso may  
10 not violate any portion of the South Carolina Comprehensive Health Education Act when implemented in a school setting. An entity  
11 that violates any portion of the South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

12       **34.47.** (DHEC: Wave Dissipation Device) From funds appropriated to the department for the Coastal Resource Improvement  
13 program, the department shall permit a Wave Dissipation Device pilot program to be initiated.

14       The deployment of a qualified wave dissipation device seaward of the setback line or baseline pursuant to a study conducted by  
15 the Citadel or a research university is not construction and meets the permitting exception contained in Section 48-39-130(D)(2).  
16 Prior to deploying or expanding a qualified wave dissipation device, a person proposing to deploy or expand the device must pay the  
17 department a fee of ten cents per linear foot of the proposed deployment or expansion. The department may order the removal of all  
18 or any portion of a qualified wave dissipation device that the department determines causes material harm to the flora, fauna, physical  
19 or aesthetic resources of the area under Section 48-39-130(D)(2) of the 1976 Code.

20       A 'qualified wave dissipation device' is a device that:

- 21       (1) is placed mostly parallel to the shoreline;
- 22       (2) is designed to dissipate wave energy;
- 23       (3) is designed to minimize scouring seaward of and adjacent to the device by permitting sand to move landward and seaward  
24 through the device;
- 25       (4) the horizontal panels designed to dissipate wave energy can be deployed within one-hundred twenty hours or less and can  
26 be removed within one-hundred twenty hours or less;
- 27       (5) does not negatively impact or inhibit sea turtle nesting or other fauna;
- 28       (6) can be adjusted after initial deployment in response to fluctuations in beach elevations; and
- 29       (7) otherwise prevents down-coast erosion, protects property, and limits negative impacts to public safety and welfare, beach  
30 access, and the health of the beach dune system.

31       **34.48.** (DHEC: Birthing Center Inspections) For this fiscal year, birthing centers, accredited by the Commission on Accreditation  
32 of Birth Centers on or before July 1, 2014, must register an on-call agreement and any transfer policies with the Department of Health  
33 and Environmental Control. The on-call agreement shall contain provisions which provide that the on-call physician is readily  
34 available to provide medical assistance either in person or by telecommunications or other electronic means, which means the  
35 physician must be within a thirty minute drive of the birthing center or hospital, must be licensed in the State of South Carolina, and  
36 shall provide consultation and advice to the birthing center at all times it is serving the public. Furthermore, a birthing center shall

1 document in its practice guidelines and policies the ability to transfer care to an acute care hospital with obstetrical and newborn  
2 services and must demonstrate this by: (A) coordinated transfer care plans, protocols, procedures, arrangements, or through  
3 collaboration with one or more acute care hospitals with appropriate obstetrical and newborn services; and (B) admitting privileges  
4 at one or more hospitals with appropriate obstetrical and newborn services by a birthing center's consulting physician. The  
5 department shall require a \$25.00 registration fee upon receipt and review of the agreements containing these provisions. Birthing  
6 centers registering on-call and transfer policies in accordance with this proviso shall be deemed by the department to be in compliance  
7 with Section 44-89-60(3) of the South Carolina Code and any implementing regulations for this fiscal year.

8 **34.49.** (DHEC: Abortion Clinic Certification) Prior to January 31, ~~2015~~ 2017, a facility other than a hospital that is licensed and  
9 certified by the department to perform abortions must file a report with the department that provides the number of physicians that  
10 performed an abortion at the facility between July 1, ~~2014~~ 2016 and December 31, ~~2014~~ 2016, who did not have admitting privileges  
11 at a local certified hospital and staff privileges to replace on-staff physicians at the certified hospital and the percentage of these  
12 physician in relation to the overall number of physicians who performed abortions at the facility. The report must include a  
13 summation of any abortion that resulted in an outcome which required a level of aftercare that exceeds what is customarily provided  
14 by physicians in such cases in accordance with accepted medical practice and indicate whether or not the abortion was performed by  
15 a physician with admitting privileges at a local certified hospital and staff privileges to replace on-staff physicians at the certified  
16 hospital. Any summation of any abortion must not divulge any information that is privileged or required to be maintained as  
17 confidential by any provision of law. An applicable facility must remit a twenty-five dollar filing fee to the department for the report  
18 required by this provision.

19 **34.50.** (DHEC: Seawall Reconstruction/Repair) ~~In the current fiscal year, the Department of Health and Environmental Control~~  
20 ~~may issue a special permit for the reconstruction or repair of an existing erosion control device of at least four thousand contiguous~~  
21 ~~linear feet that is located landward of an area which the department has granted a permit authorizing a renourishment project that~~  
22 ~~does not qualify for public funding and the permit is active as of July 1, 2014. The department may only issue the permit if the~~  
23 ~~seawall will be reconstructed or repaired with like material and the footprint of the replacement is no more than two feet from the~~  
24 ~~footprint of the original. The department may charge a permit fee equal to the actual cost of issuing the permit.~~

25 **34.51.** (DHEC: Maternal Morbidity and Mortality Review Committee) (A) From the funds appropriated to or authorized for the  
26 Department of Health and Environmental Control in Fiscal Year ~~2015-16~~ 2016-17, the department shall establish a Maternal  
27 Morbidity and Mortality Review Committee to review maternal deaths and to develop strategies for the prevention of maternal  
28 deaths. The committee must be multidisciplinary and composed of members deemed appropriate by the department. The committee  
29 also may review severe maternal morbidity. The department may contract with an external organization to assist in collecting,  
30 analyzing, and disseminating maternal mortality information, organizing and convening meetings of the committee, and performing  
31 other tasks as may be incident to these activities, including providing the necessary data, information, and resources to ensure  
32 successful completion of the ongoing review required by this provision.

33 (B) The committee shall:

34 (1) identify maternal death cases, as defined as a death within one year of pregnancy with a direct or indirect causation  
35 related to the pregnancy or postpartum period;

36 (2) review medical records and other relevant data;

- 1 (3) contact family members and other affected or involved persons to collect additional data;
- 2 (4) consult with relevant experts to evaluate the records and data;
- 3 (5) make determinations regarding the preventability of maternal deaths;
- 4 (6) develop recommendations for the prevention of maternal deaths; and
- 5 (7) disseminate findings and recommendations pursuant to subsection (F).
- 6 (C) (1) Health care providers and pharmacies licensed pursuant to Title 40 shall provide reasonable access to the committee to
- 7 all relevant medical records associated with a case under review by the committee.
- 8 (2) A health care provider, health care facility, or pharmacy providing access to medical records pursuant to subsection (C)
- 9 are not liable for civil damages or subject to criminal or disciplinary action for good faith efforts in providing the records.
- 10 (D) (1) Information, records, reports, statements, notes, memoranda, or other data collected pursuant to this section are not
- 11 admissible as evidence in any action of any kind in any court or before another tribunal, board, agency, or person. The information,
- 12 records, reports, statements, notes, memoranda, or other data must not be exhibited nor their contents disclosed, in whole or in part,
- 13 by an officer or a representative of the department or another person, except as necessary for the purpose of furthering the review of
- 14 the committee of the case to which they relate. A person participating in a review may not disclose the information obtained except
- 15 in strict conformity with the review project.
- 16 (2) All information, records of interviews, written reports, statements, notes, memoranda, or other data obtained by the
- 17 department, the committee, and other persons, agencies, or organizations authorized by the department pursuant to this provision are
- 18 confidential.
- 19 (E) (1) All proceedings and activities of the committee, opinions of members of the committee formed as a result of the
- 20 proceedings and activities, and records obtained, created, or maintained pursuant to this provision, including records of interviews,
- 21 written reports, and statements procured by the department or another person, agency, or organization acting jointly or under contract
- 22 with the department in connection with the requirements of this provision, are confidential and are not subject to the provisions of
- 23 Chapter 4, Title 30 relating to open meetings or public records, or subject to subpoena, discovery or introduction into evidence in
- 24 any civil or criminal proceeding. However, this provision must not be construed to limit or restrict the right to discover or use in any
- 25 civil or criminal proceeding anything that is available from another source and entirely independent of the committee's proceedings.
- 26 (2) Members of the committee must not be questioned in a civil or criminal proceeding regarding the information presented
- 27 in or opinions formed as a result of a meeting or communication of the committee. However, this provision must not be construed
- 28 to prevent a member of the committee from testifying to information obtained independently of the committee or which is public
- 29 information.
- 30 (F) Reports of aggregated non-individually identifiable data for the previous calendar year must be compiled and disseminated
- 31 by January thirty first of the following year in an effort to further study the causes and problems associated with maternal deaths.
- 32 Reports must be distributed to the General Assembly, the Director of the Department of Health and Environmental Control, health
- 33 care providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate.
- 34 (G) Members shall serve without compensation, and are ineligible for the usual mileage, subsistence, and per diem allowed by
- 35 law for members of state boards, committees, and commissions.

1 34.52. (DHEC: Data Center Migration) Of the funds appropriated to the Department of Health and Environmental Control for  
 2 Data Center Migration, the department must utilize the Department of Administration, Division of Technology Operations for shared  
 3 services, including but not limited to, mainframe services, application hosting, servers, managed servers, storage, network services  
 4 and disaster recovery services.

5 34.53. (DHEC: AIDS Service Provision and Hemophilia Assistance Programs) For the current fiscal year, funds appropriated  
 6 and authorized to the Department of Health and Environmental Control for clinical services, medical case management, and the  
 7 Hemophilia Assistance Program shall be used to provide for the following:

8 (1) The department shall establish through contract a pilot program for the expansion of direct services to clients who are  
 9 HIV positive. As part of the pilot program, the department shall facilitate 340b pricing for the AIDS Healthcare Foundation by  
 10 utilizing Ryan White Part B federal funding to support this pilot in order to maximize the state's resources and service provision  
 11 beyond its current levels. The department shall require that the AIDS Healthcare Foundation provide any reports or information  
 12 required by the 340b pricing program, and shall provide proof of the contractual relationship between the department and the AIDS  
 13 Healthcare Foundation to the Office of Pharmacy Affairs at HRSA.

14 (2) The department shall develop and provide for an appeal process for individuals to Opt-Out of services provided by the  
 15 department's Hemophilia Pharmacy. The department must develop and enter into a contract with an alternate pharmacy for  
 16 individuals granted this exemption. The alternate pharmacy must be licensed in South Carolina by the Board of Pharmacy as either  
 17 a "resident" or "non-resident" pharmacy, and must also be a credentialed and contracted pharmacy provider with the department.  
 18 The alternate pharmacy must be a specialty pharmacy providing Hemophilia pharmacy services.

19 34.54. (DHEC: Home Health License Transfer) From the funds made available through the transfer of licenses for Home Health  
 20 Services from the Department of Health and Environmental Control to Capital Care Resources of South Carolina, LLC, the  
 21 department shall use the first \$750,000 for the final close out of Home Health including coverage of contractual obligations for the  
 22 Home Health information system and to transition those records to another format to meet record retention requirements and cover  
 23 the one-time, non-recurring expenses for the following items:

24	<u>(1) Data Center Infrastructure</u>	<u>\$ 3,600,000;</u>
25	<u>(2) Pinewood Custodial Site Capital Improvements and Repairs</u>	<u>\$ 5,200,000;</u>
26	<u>(3) Electronic Medical Records</u>	<u>\$ 5,781,600; and</u>
27	<u>(4) Flood Recovery Operations</u>	<u>\$ 2,500,000.</u>

28  
 29 **SECTION 35 - J120 - DEPARTMENT OF MENTAL HEALTH**

30  
 31 **35.1.** (DMH: Patient Fee Account) The Department of Mental Health is hereby authorized to retain and expend its Patient Fee  
 32 Account funds. In addition to funds collected for the maintenance and medical care for patients, Medicare funds collected by the  
 33 department from patients' Medicare benefits and funds collected by the department from its veteran facilities shall be considered as  
 34 patient fees. The department is authorized to expend these funds for departmental operations, for capital improvements and debt  
 35 service under the provisions of Act 1276 of 1970, and for the cost of patients' Medicare Part B premiums. The department shall

1 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  
2 to S.C. Share Self Help Association Regarding Emotions.

3 **35.2.** (DMH: Institution Generated Funds) The Department of Mental Health is authorized to retain and expend institution  
4 generated funds which are budgeted.

5 **35.3.** (DMH: Alzheimer’s Funding) Of the funds appropriated to the Department of Mental Health for Community Mental  
6 Health Centers, \$778,706 must be used for contractual services to provide respite care and diagnostic services to those who qualify  
7 as determined by the Alzheimer’s Disease and Related Disorders Association. The department must maximize, to the extent feasible,  
8 federal matching dollars. On or before September thirtieth of each year, the Alzheimer’s Disease and Related Disorders Association  
9 must submit to the department, Governor, Senate Finance Committee, and House Ways and Means Committee an annual financial  
10 statement and outcomes measures attained for the fiscal year just ended. These funds may not be expended or transferred during the  
11 current fiscal year until the required reports have been received by the department, Governor, Chairman of the Senate Finance  
12 Committee, and the Chairman of the House Ways and Means Committee. In addition, when instructed by the Executive Budget  
13 Office or the General Assembly to reduce funds by a certain percentage, the department may not reduce the funds transferred to the  
14 Alzheimer’s Disease and Related Disorders Association greater than such stipulated percentage.

15 **35.4.** (DMH: Crisis Intervention Training) Of the funds appropriated to the department, \$170,500 shall be utilized for the  
16 National Alliance on Mental Illness (NAMI) SC for Crisis Intervention Training (CIT).

17 **35.5.** (DMH: Uncompensated Patient Medical Care) There is created an Uncompensated Patient Care Fund to be used by the  
18 department for medical costs incurred for patients. These funds may be carried forward from the prior fiscal year into the current  
19 fiscal year to be used for the same purpose.

20 **35.6.** (DMH: Meals in Emergency Operations) The cost of meals may be provided to state employees who are required to work  
21 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

22 **35.7.** (DMH: Deferred Maintenance, Capital Projects, Ordinary Repair and Maintenance) The Department of Mental Health is  
23 authorized to establish an interest bearing fund with the State Treasurer to deposit funds appropriated for deferred maintenance and  
24 other one-time funds from any source. After receiving any required approvals, the department is authorized to expend these funds  
25 for the purpose of deferred maintenance, capital projects, and ordinary repair and maintenance. These funds may be carried forward  
26 from the prior fiscal year into the current fiscal year to be used for the same purpose.

27  
28 **SECTION 36 - J160 - DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS**

29  
30 **36.1.** (DDSN: Work Activity Programs) All revenues derived from production contracts earned by individuals served by the  
31 department in Work Activity Programs be retained by the South Carolina Department of Disabilities and Special Needs and carried  
32 forward as necessary into the following fiscal year to be used for other operating expenses and/or permanent improvements of these  
33 Work Activity Programs.

34 **36.2.** (DDSN: Sale of Excess Real Property) The department is authorized to retain revenues associated with the sale of excess  
35 real property owned by, under the control of, or assigned to the department and may expend these funds as grants to purchase or

1 build community residences and day program facilities for the individuals DDSN serves. The department shall follow all the policies  
2 and procedures of the Department of Administration or State Fiscal Accountability Authority and the Joint Bond Review Committee.

3 **36.3.** (DDSN: Prenatal Diagnosis) Revenues not to exceed \$126,000 from client fees, credited to the debt service fund and not  
4 required to meet the department's debt service requirement, may be expended only in the current fiscal year to promote expanded  
5 prenatal diagnosis of intellectual and/or other related disabilities by the Greenwood Genetic Center.

6 **36.4.** (DDSN: Medicaid-Funded Contract Settlements) The department is authorized to carry forward and retain settlements  
7 under Medicaid-funded contracts.

8 **36.5.** (DDSN: Departmental Generated Revenue) The department is authorized to continue to expend departmental generated  
9 revenues that are authorized in the budget.

10 **36.6.** (DDSN: Transfer of Capital/Property) The department may transfer capital to include property and buildings to local DSN  
11 providers with State Fiscal Accountability Authority approval.

12 **36.7.** (DDSN: Unlicensed Medication Providers) The provision of selected prescribed medications may be performed by  
13 selected unlicensed persons in community-based programs sponsored, licensed or certified by the South Carolina Department of  
14 Disabilities and Special Needs, provided such selected unlicensed persons have documented medication training and skill  
15 competency evaluation. Licensed nurses may train and supervise selected unlicensed persons to provide medications and, after  
16 reviewing competency evaluations, may approve selected unlicensed persons for the provision of medications. The provision of  
17 medications by selected unlicensed persons is limited to oral and topical medications and to regularly scheduled insulin and  
18 prescribed anaphylactic treatments under established medical protocol and does not include sliding scale insulin or other injectable  
19 medications. The selected unlicensed persons shall be protected against tort liability provided their actions are within the scope of  
20 their job duties and the established medical protocol.

21 The Department of Disabilities and Special Needs shall establish curriculum and standards for training and oversight.

22 This provision shall not apply to a facility licensed as an intermediate care facility for individuals with intellectual and/or related  
23 disability.

24 **36.8.** (DDSN: Pervasive Developmental Disorder) The Department of Disabilities and Special Needs, as the agency authorized  
25 to treat autistic disorder, is designated for a Medicaid project to treat children who have been diagnosed by eight years of age with a  
26 pervasive developmental disorder. The project must target the youngest ages feasible for treatment effectiveness, treatment for each  
27 individual child shall not exceed three years without a special exception as defined in the waiver, and reimbursement for each  
28 individual participant may not exceed \$50,000 per year. The Department of Disabilities and Special Needs and the Department of  
29 Health and Human Services will determine the areas of the State with the greatest need and availability of providers. Children  
30 participating in the project will be selected based upon an application system developed in compliance with the Medicaid waiver.  
31 Treatment will be provided as authorized and prescribed by the department according to the degree of the developmental disability.  
32 In authorizing and prescribing treatment the department may award grants or negotiate and contract with public or private entities to  
33 implement intervention programs, which must comply with Medicaid reimbursement methodologies, for children who have been  
34 diagnosed with a pervasive developmental disorder. "Pervasive developmental disorder" means a neurological condition, including  
35 autistic disorder and Asperger's syndrome, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental  
36 Disorders of the American Psychiatric Association. The department shall report semi-annually to the General Assembly and the



1 Governor on the developmental progress of the children participating in the project and the fiscal status of the project, to include  
2 expenditure data and appropriation balances. This provision does not establish or authorize creation of an entitlement program or  
3 benefit.

4 **36.9.** (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide reimbursement  
5 for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. The  
6 reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year. By September fifteenth,  
7 the department must transfer \$100,000 to the Anderson County Disabilities Board for the provision of these services.

8 **36.10.** (DDSN: Debt Service Account) The department shall utilize the uncommitted dollars in their debt service account, account  
9 E164660, for operations and services that are not funded in the appropriations bill. By August first, the department must report to  
10 the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the  
11 remaining balance in this account and on the amounts and purposes for which the account was used in the prior fiscal year.

12 **36.11.** (DDSN: Traumatic Brain Injury) Funds appropriated to the agency for Traumatic Brain Injury/Spinal Cord Injury Post-  
13 Acute Rehabilitation shall be used for that purpose only. In the event the department receives a general fund reduction in the current  
14 fiscal year, any reductions to the post-acute rehabilitation funding shall not exceed reductions in proportion to the agency as a whole.

15 **36.12.** (DDSN: Greenwood Genetic Center Autism Research) The department is authorized to transfer up to \$500,000 of  
16 unencumbered funds from the PDD autism waiver to the Greenwood Genetic Center for autism research.

17 **36.13.** (DDSN: Medicaid Direct Billing) The department shall facilitate Medicaid direct billing for all providers, including local  
18 disabilities and special needs boards, who choose to initiate the direct billing process regardless of the receipt of capital grant funds  
19 from the department for the specific facility involved. All entities receiving capital grant funds must use the funds as originally  
20 specified in the award. If the purpose or use of a facility constructed or purchased with departmental grant funds is altered without  
21 the department's approval, the entity must repay the department the amount of the funds awarded. The use of direct billing shall not  
22 be construed as a change in the purpose or use of a facility.

23 **36.14.** (DDSN: Carry Forward Authorization) For the current fiscal year, the department is authorized to carry forward any  
24 balance of General Funds appropriated for the reduction of the department's waiting lists in the prior fiscal year and must utilize  
25 these funds for the same purpose in the current fiscal year. Within thirty days after the close of the fiscal year, the department shall  
26 report the balance carried forward to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
27 Means Committee.

28 **36.15.** (DDSN: Service Providers Expenditure Requirement) For the current fiscal year, in order to accommodate service provider  
29 infrastructure needs resulting from the reductions in the department's waiting lists, service providers including local disabilities and  
30 special needs boards are authorized to carry forward from the prior fiscal year unexpended funds based on a ninety percent  
31 expenditure requirement for capitated services. Service providers shall not withhold services in order to generate funds to be carried  
32 forward. The expenditure requirement shall not affect the department's three month reserve limitation policy.

33 **36.16.** (DDSN: LAC Audit Recommendations Report) ~~The department shall provide a status report on the implementation of the~~  
34 ~~recommendations contained in the Legislative Audit Council's report "S.C. Department of Disabilities and Special Needs' Process~~  
35 ~~to Protect Consumers from Abuse, Neglect, and Exploitation, Administrative Issues, and a Follow Up to Our 2008 Audit". The~~  
36 ~~report shall include, but not be limited to, a delineation of each Legislative Audit Council recommendation and the status of the~~

1 department's actions regarding each recommendation. If no action was taken on a recommendation, an explanation as to the reason  
2 shall be included in the report. The report shall be provided to the Chairman of the Senate Finance Committee and the Chairman of  
3 the House Ways and Means Committee and shall be prominently posted on the department's website no later than December 31,  
4 2015.

### 6 SECTION 37 - J200 - DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES

7  
8 **37.1.** (DAODAS: Training & Conference Revenue) The department may charge fees for training events and conferences. The  
9 revenues from such events shall be retained by the department to increase education and professional development initiatives.

10 **37.2.** (DAODAS: Gambling Addiction Services) In that gambling is a serious problem in South Carolina, the department through  
11 its local county commissions may provide, from funds appropriated to the department, information, education, and referral services  
12 to persons experiencing gambling addictions.

13 **37.3.** (DAODAS: Medicaid Match Transfer) At the beginning of the fiscal year, the Department of Alcohol and Other Drug  
14 Abuse Services will transfer \$1,915,902 to the Department of Health and Human Services to meet federal Medicaid Match  
15 participation requirements for the delivery of alcohol and other drug abuse services to the Medicaid beneficiary population.

16 **37.4.** (DAODAS: Health Information Technology) ~~The Department of Alcohol and Other Drug Abuse Services shall work with~~  
17 ~~Department of Health and Human Services and each county's designated alcohol and drug abuse authorities to pursue funding to aid~~  
18 ~~in purchasing the appropriate Certification Commission for Health Information Technology (CCHIT) behavioral health Electronic~~  
19 ~~Health Records (EHR) system for the authorities. The new system shall streamline the 301 system and shall contain CCHIT certified~~  
20 ~~programming that will have the capability of interoperability with other state agencies such as the Department of Health and Human~~  
21 ~~Services and Federally Qualified Health Centers. The Department of Alcohol and Other Drug Abuse Services and the Department~~  
22 ~~of Health and Human Services shall work together to determine if additional funding may be available to assist in offsetting the costs~~  
23 ~~associated with the new system implementation through the Medicare and Medicaid EHR Incentive Program or any other grant~~  
24 ~~programs.~~

### 26 SECTION 38 - L040 - DEPARTMENT OF SOCIAL SERVICES

27  
28 **38.1.** (DSS: Fee Retention) The Department of Social Services shall recoup all refunds and identified program overpayments  
29 and all such overpayments shall be recouped in accordance with established collection policy. Funds of \$800,000 collected under  
30 the Child Support Enforcement Program (Title IV-D) which are state funds shall be remitted to the State Treasurer and credited to  
31 the General Fund of the State. All state funds above \$800,000 shall be retained by the department to fund Self-Sufficiency and  
32 Family Preservation and Support initiatives.

33 **38.2.** (DSS: Recovered State Funds) The department shall withhold a portion of the State Funds recovered, under the Title IV-  
34 D Program, for credit to the general fund in order to allow full participation in the federal "set off" program offered through the  
35 Internal Revenue Service, the withholding of unemployment insurance benefits through the Department of Employment and  
36 Workforce and reimbursement for expenditures related to blood testing. Such funds may not be expended for any other purpose.

1 The Department of Social Services shall be allowed to utilize the State share of Federally required fees, collected from non-TANF  
 2 clients, in the administration of the Child Support Enforcement Program. Such funds may not be expended for any other purpose.  
 3 However, this shall not include Child Support Enforcement Program incentives paid to the program from federal funds to encourage  
 4 and reward cost effective performance. Such incentives are to be reinvested in the program to increase collections of support at the  
 5 state and county levels in a manner consistent with federal laws and regulations governing such incentive payments. The department  
 6 shall not use clerk of court incentive funds to replace agency operating funds. Such funds shall be remitted to the appropriate state  
 7 governmental entity to further child support collection efforts.

8 **38.3.** (DSS: Foster Children Burial) The expenditure of funds allocated for burials of foster children shall not exceed one  
 9 thousand five hundred dollars per burial.

10 **38.4.** (DSS: Battered Spouse Funds) Appropriations included in Subprogram II.J. entitled Battered Spouse shall be allocated  
 11 through contractual agreement to providers of this service. These appropriations may also be used for public awareness and  
 12 contracted services for victims of this social problem including the abused and children accompanying the abused. Such funds may  
 13 not be expended for any other purpose nor be reduced by any amount greater than that stipulated by the Executive Budget Office or  
 14 the General Assembly for the agency as a whole.

15 **38.5.** (DSS: Court Examiner Service Exemption) In order to prevent the loss of federal funds to the State, employees of the  
 16 Department of Social Services whose salaries are paid in full or in part from federal funds will be exempt from serving as court  
 17 examiners.

18 **38.6.** (DSS: TANF Advance Funds) The Department of Social Services is authorized to advance sufficient funds during each  
 19 fiscal year from the Temporary Assistance for Needy Families Assistance Payments general fund appropriations to the Temporary  
 20 Assistance for Needy Families Assistance Payments federal account only for the purpose of allowing a sufficient cash flow in the  
 21 federal account. The advance must be refunded no later than April of the same fiscal year. Upon the advance of funds as provided  
 22 herein, the Comptroller General is authorized to process the July voucher for the funding of benefit checks.

23 **38.7.** (DSS: Fee Schedule) The Department of Social Services shall be allowed to charge fees and accept donations, grants, and  
 24 bequests for social services provided under their direct responsibility on the basis of a fee schedule. The fees collected shall be  
 25 utilized by the Department of Social Services to further develop and administer these program efforts. The below fee schedule is  
 26 established for the current fiscal year.

27 Day Care

28 Family Child Care Homes (up to six children)	\$15
29 Group Child Care Homes (7-12 children)	\$30
30 Registered Church Child Care (13+)	\$50
31 Licensed Child Care Centers (13-49)	\$50
32 Licensed Child Care Centers (50-99)	\$75
33 Licensed Child Care Centers (100-199)	\$100
34 Licensed Child Care Centers (200+)	\$125
35 Central Registry Checks	
36 Nonprofit Entities	\$8

1	For-profit Agencies	\$25
2	State Agencies	\$8
3	Schools	\$8
4	Day Care	\$8
5	Other – Volunteer Organizations	\$8
6	Other Children’s Services	
7	Services Related to Adoption of Children from	
8	Other Countries	\$225
9	Court-ordered Home Studies in non-DSS Custody Cases	\$850
10	Licensing Residential Group Homes Fee for an	
11	Initial License	\$250
12	For Renewal	\$75
13	Licensing Child Caring Institutions Fee for an	
14	Initial License	\$500
15	For Renewal	\$100
16	Licensing Child Placing Agencies Fee for an	
17	Initial License	\$500
18	For Renewal	\$60
19	For Each Private Foster Home Under the Supervision	
20	of a Child Placing Agency	\$15
21	Responsible Father Registry	
22	Registry Search	\$50

23 **38.8.** (DSS: Food Stamp Fraud) The state portion of funds recouped from the collection of recipient claims in the TANF and  
 24 Food Stamp programs shall be retained by the department. A portion of these funds shall be distributed to local county offices for  
 25 emergency and program operations.

26 **38.9.** (DSS: TANF - Immunizations Certificates) The department shall require all TANF applicants and/or recipients to provide  
 27 proof of age appropriate immunizations for children. If such immunizations have not been administered, the department shall assist  
 28 in referring applicants to appropriate county health departments to obtain the immunizations.

29 **38.10.** (DSS: County Directors’ Pay) With respect to the amounts allocated to the Department of Social Services for Employee  
 30 Pay Increase in this act, the Department of Social Services is authorized to allot funds for pay increases to individual county directors  
 31 and regional directors in classified positions without uniformity. Pay increases for DSS county directors and regional directors shall  
 32 be administered in accordance with the guidelines established by the Department of Administration for Executive Compensation  
 33 System and other nonacademic unclassified employees. Any employees subject to the provisions of this paragraph shall not be  
 34 eligible for any other compensation increases provided in this act.

35 **38.11.** (DSS: Use of Funds Authorization) Department investigative units shall be authorized to receive and expend funds  
 36 awarded to these units as a result of a donation, contribution, prize, grant, and/or court order. These funds shall be retained by the

1 department on behalf of the investigative units and deposited in a separate, special account and shall be carried forward from year to  
 2 year and withdrawn and expended as needed to fulfill the purposes and conditions of the donation, contribution, prize, grant, and/or  
 3 court order, if specified, and if not specified, as may be directed by the Director of the Department of Social Services. These accounts  
 4 shall not be used to supplant operating funds in the current or future budgets. The agency shall report to the Senate Finance  
 5 Committee and Ways and Means Committee by January thirtieth of the current fiscal year on the amount of funds received and how  
 6 expended.

7 **38.12.** (DSS: Use of Funds Authorization) Unless specifically directed by the General Assembly, when DSS is directed to provide  
 8 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  
 9 in one or more DSS programs.

10 **38.13.** (DSS: Grant Authority) The Department of Social Services is authorized to make grants to community-based not-for-profit  
 11 organizations for local projects that further the objectives of DSS programs. The department shall develop policies and procedures  
 12 and may promulgate regulations to assure compliance with state and federal requirements associated with the funds used for the  
 13 grants and to assure fairness and accountability in the award and administration of these grants. The department shall require a match  
 14 from all grant recipients.

15 **38.14.** (DSS: Family Foster Care Payments) The Department of Social Services shall furnish as Family Foster Care payments for  
 16 individual foster children under their sponsorship *and under kinship care*:

17 ages 0 - 5 ~~\$383~~ \$404 per month

18 ages 6 - 12 ~~\$458~~ \$469 per month

19 ages 13 + ~~\$518~~ \$535 per month

20 These specified amounts are for the basic needs of the foster children *to include kinship care assistance*. Basic needs within this  
 21 proviso are identified as food (at home and away), clothing, housing, transportation, education and other costs as defined in the U.S.  
 22 Department of Agriculture study of "Annual Cost of Raising a Child to Age Eighteen". Further, each agency shall identify and  
 23 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  
 24 professional agency evaluation of clientele need. Legitimate medical care in excess of Medicaid reimbursement or such care not  
 25 recognized by Medicaid may be considered as special needs if approved by the sponsoring/responsible agency and shall be  
 26 reimbursed by the sponsoring agency in the same manner of reimbursing other special needs of foster children.

27 **38.15.** (DSS: Penalty Assessment) The Department of Social Services may impose monetary penalties against a person, facility,  
 28 or other entity for violation of statutes or regulations pertaining to programs, other than foster home licensing, that the department  
 29 regulates. Penalties collected must be remitted to the State Treasurer for deposit into the State General Fund. The department shall  
 30 promulgate regulations for each program in which penalties may be imposed. The regulations must include guidance on the decision  
 31 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  
 32 severity and frequency of violations. These regulations must provide for notice of the penalty and the right to a contested case  
 33 hearing before a designee of or panel appointed by the director of the department. Judicial review of the final agency decision  
 34 concerning a penalty must be in accordance with statutes or regulations that apply to judicial review of final revocation and denial  
 35 decisions in that particular program. The department, in accordance with regulations promulgated pursuant to this provision, shall  
 36 have discretion in determining the appropriateness of assessing a monetary penalty against a person or facility and the amount of the

1 penalty. The authority to assess monetary penalties shall be in addition to other statutory provisions authorizing the department to  
2 seek injunctive relief or to deny, revoke, suspend, or otherwise restrict or limit a license or other types of operating or practice  
3 registrations, approvals, or certificates.

4 **38.16.** (DSS: Child Support Enforcement Automated System Carry Forward) The department shall be authorized to retain and  
5 carry forward any unexpended funds appropriated for the Child Support Enforcement automated system and related penalties.

6 **38.17.** (DSS: Child Support Enforcement System) From the funds appropriated in Part IA, Section 38(F), the Department of  
7 Social Services shall prepare a detailed report on the status of the Child Support Enforcement System. The report shall include, but  
8 not be limited to, actions currently being undertaken to become compliant with federal government requirements; the cost required  
9 to meet minimum federal guidelines; total funds spent so far on the system; the amount of fines assessed by the federal government  
10 associated with noncompliance; how much has been spent to satisfy actions taken by the state judicial system; and how much has  
11 been spent related to actions taken by any other entity which may have altered the amount required for meeting minimum federal  
12 guidelines. The report shall be submitted to the General Assembly by August thirty-first of the current fiscal year.

13 **38.18.** (DSS: Child Care Voucher) State funds allocated to the Department of Social Services and used for child care vouchers  
14 must be used to enroll eligible recipients within provider settings exceeding the state's minimum child care licensing standards. ~~The~~  
15 ~~department may waive this requirement on a case-by-case basis.~~

16 **38.19.** (DSS: Meals in Emergency Operations) The cost of meals may be provided to state employees who are not permitted to  
17 leave their stations and are required to work during actual emergencies, emergency situation exercises, and when the Governor  
18 declares a state of emergency.

19 **38.20.** (DSS: Day Care Facilities Supervision Ratios) For the current fiscal year, staff-child ratios contained in Regulations  
20 114-504(B), 114-504(C), 114-524(B), and 114-524(C) shall remain at the June 24, 2008 levels.

21 **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  
22 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  
23 for more than twenty-four months will not exceed a total of 2,617 during the fiscal year. The Department of Social Services shall  
24 develop appropriate plans for timely permanency and use appropriate data benchmarks and targets that will achieve this goal.

25 **38.22.** (DSS: Comprehensive Teen Pregnancy Prevention Funding) (A) From the monies appropriated for the Continuation of  
26 Teen Pregnancy Prevention, the department must award the dollars allocated to a nonprofit 501(c)(3) entity to provide abstinence  
27 first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy  
28 throughout South Carolina.

29 (B) Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.

30 (C) The monies appropriated must be paid over a twelve month basis for services rendered. Unexpended funds shall be carried  
31 forward for the purpose of fulfilling the department's contractual agreement.

32 (D) The programs implemented by the entity awarded a contract pursuant to this proviso may not violate any portion of the South  
33 Carolina Comprehensive Health Education Act when implemented in a school setting. An entity that violates any portion of the  
34 South Carolina Comprehensive Health Education Act must reimburse the State for all funds disbursed.

35 **38.23.** (DSS: SNAP Coupons) The Department of Social Services shall continue the "Healthy Bucks" program established to  
36 provide coupons that allow Supplemental Nutrition Assistance Program (SNAP) recipients to obtain additional fresh fruits and

1 vegetables when purchasing fresh produce at grocery stores or farmers markets with SNAP benefits through their EBT cards. Each  
2 coupon shall allow the beneficiary to double the amount of produce purchased, up to ten dollars per month. The agency shall utilize  
3 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  
4 in processing SNAP applications to fund the program. The agency shall work to identify and utilize funds as matching dollars for  
5 the continued success of the “Healthy Bucks” program and shall report semi-annually to the General Assembly on the status of the  
6 program. The report shall include, at a minimum, the number of recipients, counties served, and cumulative expenditure data for the  
7 program.

8 **38.24.** (DSS: Local Child Fatality Review Committees) For Fiscal Year ~~2015-16~~ 2016-17, the Director of the Department of  
9 Social Services shall create and fund Local Child Fatality Review Committees (local committees) pursuant to the authority granted  
10 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 child  
11 fatalities which come within the investigative authority of the department. Each local committee shall be composed of a board-  
12 certified child abuse pediatrician and representatives from law enforcement, the coroner’s office, the Department of Social Services,  
13 public health, the solicitor’s office and, as necessary, healthcare workers, mental health providers, educators, and the Children’s  
14 Advocacy Centers. The department is authorized to provide reasonable compensation for board-certified child abuse pediatricians  
15 serving on a Local Child Fatality Review Committee. Local committees shall have access to information and records maintained by  
16 a provider of medical care regarding a child whose death is being reviewed by the local committee, including information on prenatal  
17 care; all information and records maintained by any state, county, or local government agency, including, but not limited to, birth  
18 certificates, law enforcement investigation data, county coroner or medical examiner investigation data, parole and probation  
19 information and records, and information and records of health agencies that provided services to the child or family; and unfounded  
20 reports of abuse or neglect made strictly confidential and whose disclosure is otherwise prohibited by statute. Further, local  
21 committees shall have the same authority as the State Child Fatality Advisory Committee to obtain information as set forth in Section  
22 63-11-1970. The meetings, information obtained by, reports prepared by, and testimony before the local committees are confidential  
23 and protected from the Freedom of Information Act, criminal and civil proceedings, and subpoenas to the same extent as the State  
24 Child Fatality Advisory Committee as set forth in Sections 63-11-1980 and 63-11-1990.

25  
26 **SECTION 39 - L240 - COMMISSION FOR THE BLIND**

27  
28 **39.1.** (BLIND: Matching Federal Funds) For the current fiscal year the amount appropriated in this section under Program II for  
29 Rehabilitative Services is conditioned upon matching by federal funds to the maximum amount available under the Federal  
30 Vocational Rehabilitation Program.

31  
32 **SECTION 42 - L320 - HOUSING FINANCE AND DEVELOPMENT AUTHORITY**

33  
34 **42.1.** (HFDA: Federal Rental Assistance Administrative Fee Carry Forward) All federal rental assistance administrative fees  
35 shall be carried forward to the current fiscal year for use by the authority in the administration of the federal programs under contract  
36 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 Plan (SWCAP). The authority shall retain  
9 recoveries in excess of the SWCAP amount to be deposited in the state general fund.

10  
11 **SECTION 43 - P120 - FORESTRY COMMISSION**

12  
13       **43.1.** (FC: Grant Funds Carry Forward) The Forestry Commission is authorized to use unexpended federal grant funds in the  
14 current year to pay for expenditures incurred in the prior year.

15       **43.2.** (FC: Retention of Emergency Expenditure Refunds) The Forestry Commission is authorized to retain all funds received  
16 as reimbursement of expenditures from other state or federal agencies when personnel and equipment are mobilized due to  
17 an emergency.

18       **43.3.** (FC: Commissioned Officers’ Physicals) The Forestry Commission is authorized to pay the cost of physical examinations  
19 for agency personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

20       **43.4.** (FC: Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees of the  
21 Forestry Commission may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion of the agency  
22 director, and providing funds are available.

23  
24 **SECTION 44 - P160 - DEPARTMENT OF AGRICULTURE**

25  
26       **44.1.** (AGRI: Market Bulletin) The Market Bulletin shall be mailed only to those persons who request it in writing and a record  
27 of each request shall be maintained by the department. Provided further, that the Department of Agriculture is authorized to charge  
28 a yearly subscription fee to each person requesting the bulletin and may charge for classified advertisements printed in the bulletin.  
29 The funds collected pursuant to this provision shall be retained by the department to defray the costs of publication and related  
30 incidental expenses.

31       **44.2.** (AGRI: Fruit/Vegetable Inspectors Subsistence) A daily subsistence allowance of up to \$30.00 may be allowed for  
32 temporarily employed fruits and vegetables inspectors from funds generated by fruits and vegetables inspection fees and budgeted  
33 under other funds in Program IV. Marketing Services, D. Inspection Services, in lieu of reimbursements for meals and lodging  
34 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: Farmers Market Revenue) The revenues associated with the sale of the State Farmers Market shall be deposited  
13 into a separate restricted special account under the authority of the State Fiscal Accountability Authority. These funds and accrued  
14 interest may only be expended for relocating and reestablishing the State Farmers Market after approval by the Joint Bond Review  
15 Committee and the State Fiscal Accountability Authority.

16     **44.7.** (AGRI: Export Certification) The Department of Agriculture is allowed to charge up to \$250 for each export certification  
17 of agricultural products and to retain revenues to offset expenses incurred in performing certifications.

18     **44.8.** (AGRI: Feed Label Registration) The Department of Agriculture is authorized to require the annual registration of feed  
19 labels by manufacturers and to charge a fee of \$15.00 for such registrations. Revenues generated by these fees shall be retained and  
20 used by the department to offset expenses incurred in operating the Feed Inspection Program.

21  
22     **SECTION 45 - P200 - CLEMSON UNIVERSITY - PSA**

23  
24     **45.1.** (CU-PSA: Phytosanitary Certificates) Revenues collected from the issuance of phytosanitary certificates shall be retained  
25 by the Division of Regulatory and Public Service for the purpose of carrying out phytosanitary inspections.

26     **45.2.** (CU-PSA: Witness Fee) The Public Service Activities of Clemson University are hereby authorized to charge a witness  
27 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  
28 the State as a party in interest. This fee shall be charged in addition to any court prescribed payment due as compensation or  
29 reimbursement for judicial appearances and deposited into a designated revenue account.

30     **45.3.** (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is  
31 authorized to retain up to \$92,000 of revenue collected from the issuance of Nursery/Nursery Dealer Fees for the purpose of carrying  
32 out nursery/nursery dealer inspections. Revenue collected from this fee above \$92,000 shall be deposited into the general fund.

33     **45.4.** (CU-PSA: Retention of Fees) All revenues collected from the regulatory programs of agrichemical, plant industry and  
34 crop protection including: fertilizer, lime, and soil amendments registration fees; pesticide licensing fees; seed certification fees; and  
35 fertilizer tax/inspection fees must be retained by Clemson University PSA regulatory programs.

1     **45.5.** (CU-PSA: Pesticide Registration) All revenues collected from pesticide registration fees and revenue collected from  
2 structural pest control businesses for business licensing must be retained by Clemson University PSA Regulatory and Public Service  
3 Programs to support general regulatory, enforcement, and education programs and to carry out provisions of the South Carolina  
4 Pesticide Control Act and regulations related to it.

5     **45.6.** (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an  
6 inspection fee of \$0.50 per ton on Agricultural Liming Materials sold or distributed in this state. Clemson University-PSA may  
7 retain, expend, and carry forward these funds to maintain its programs.

8     **45.7.** (CU-PSA: Livestock-Poultry Health Programs) For the current fiscal year Clemson University Public Service Activities  
9 shall maintain operation of the state Meat Inspection Program. All revenues and recoveries from USDA Food Safety Inspection  
10 Services and from USDA Animal and Plant Health Inspection Services for Clemson University PSA's Livestock-Poultry Health  
11 Programs and its departments shall be retained by Clemson University-PSA's Livestock-Poultry Health Program for purposes of  
12 carrying out the operation of its programs.

13     **45.8.** (CU-PSA: Boll Weevil Eradication) For the current fiscal year Clemson University Public Services Activities shall  
14 maintain operation of the Boll Weevil Eradication Program. In the calculation of any across-the-board budget reduction mandated  
15 by the Executive Budget Office or the General Assembly, the amount appropriated for the Boll Weevil Eradication Program shall be  
16 excluded from Clemson PSA's base budget. In the event of such a reduction Clemson PSA may reduce the amount of funds  
17 appropriated for this program by an amount not to exceed the percentage associated with the mandated reduction.

18     **45.9.** (CU-PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production,  
19 landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water ( $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$ )  
20 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  
21 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  
22 University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University-PSA may retain, expend, and  
23 carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.  
24

## 25     **SECTION 47 - P240 - DEPARTMENT OF NATURAL RESOURCES**

26  
27     **47.1.** (DNR: Publications Revenue) For the current fiscal year all revenue generated from the sale of the "South Carolina  
28 Wildlife" magazine, its by-products and other publications, shall be retained by the department and used to support the production  
29 of same in order for the magazine to be self-sustaining. In addition, the department is authorized to sell advertising in the magazine  
30 and to increase the magazine's subscription rate, if necessary, to be self-sustaining. No general funds may be used for the operation  
31 and support of the "South Carolina Wildlife" magazine.

32     **47.2.** (DNR: Casual Sales Tax Collection) The Department of Natural Resources shall continue to collect the casual sales tax as  
33 contained in the contractual agreement between the Department of Revenue and the Department of Natural Resources and the State  
34 Treasurer is authorized to reimburse the department on a quarterly basis for the actual cost of collecting the casual sales tax and such  
35 reimbursement shall be paid from revenues generated by the casual sales tax.

1     **47.3.** (DNR: Proportionate Funding) Each of South Carolina's forty-six soil and water conservation districts shall receive a  
2 proportionate share of funding set aside for Aid to Conservation Districts at \$15,000 per district for general assistance to the district's  
3 program. Available funding above \$15,000 for each district will be apportioned by the Department of Natural Resources based upon  
4 local needs and priorities as determined by the board. During the fiscal year, the districts' funding may only be reduced in an amount  
5 not to exceed the percentage of each agency budget reduction. No district shall receive any funds under this provision unless the  
6 county or counties wherein the district is located shall have appropriated no less than three hundred dollars to the district from county  
7 funds for the same purposes.

8     **47.4.** (DNR: Carry Forward - Contract for Goods & Services) If any funds accumulated by the Department of Natural Resources  
9 Geology Program, under contract for the provision of goods and services not covered by the department's appropriated funds, are  
10 not expended during the preceding fiscal years, such funds may be carried forward and expended for the costs associated with the  
11 provision of such goods and services.

12     **47.5.** (DNR: Revenue Carry Forward) The department may collect, expend, and carry forward revenues derived from the sale  
13 of goods and services in order to support aerial photography, map services, climatology data, and geological services. The department  
14 shall annually report to the Senate Finance Committee and the House Ways and Means Committee the amount of revenue generated  
15 from the sale of these goods and services.

16     **47.6.** (DNR: Clothing Allowance) The Department of Natural Resources is hereby authorized to provide Natural Resource  
17 Enforcement Officers on special assignment with an annual clothing allowance (on a prorata basis) not to exceed \$600 per officer  
18 for required clothing used in the line of duty.

19     **47.7.** (DNR: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for  
20 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

21     **47.8.** (DNR: Cormorant Control) The Department of Natural Resources shall continue to coordinate a public Cormorant control  
22 program with the US Fish and Wildlife Service for Lake Marion and Moultrie. The department shall try to coordinate with the Army  
23 Corp of Engineers, Santee Cooper, and the USFWS to include waters above and below each spillway, Wildlife Management Areas,  
24 and national refuges. The department shall assess the need to expand the program to other public waters and implement a plan if  
25 warranted. If the USFWS allows continuation of the control program, the department shall establish an online method of permitting.

26     **47.9.** (DNR: Web Services and Technology Development) The department may carry forward any unexpended general fund  
27 balance remaining on the Other Operating Expenses line, identified in the "Web Services and Technology Development" program  
28 of the department appropriations from Part IA in this Act. Balances carried forward from the prior fiscal year are only authorized to  
29 be expended to support technology operating expenses within the department.

30     **47.10.** (DNR: Predator Control Program) Of the funds authorized and appropriated in this Act, the Department of Natural  
31 Resources is directed to develop and implement a coyote tagging and bounty program within this state. They must tag and release  
32 no less than three coyotes in each of the four game zones and apply a bounty of not less than \$1,000 per tagged coyote, however, the  
33 department's board may at its discretion increase the amount of the bounty.

1     **SECTION 48 - P260 - SEA GRANT CONSORTIUM**  
2

3     **48.1.** (SGC: Publications Revenue) Funds generated by the sale of pamphlets, books, and other promotional materials, the  
4 production of which has been paid for by non-state funding, may be deposited in a special account by the consortium and utilized as  
5 other funds for the purchase of additional pamphlets, books, and other promotional materials for distribution to the public.  
6

7     **SECTION 49 - P280 - DEPARTMENT OF PARKS, RECREATION AND TOURISM**  
8

9     **49.1.** (PRT: Tourism and Promotion) The funds appropriated in this act for Regional Promotions shall be distributed equally to  
10 the eleven Regional Tourism groups, except that the Grandstrand Tourism Region's funds shall be divided, with \$50,000 distributed  
11 to the Myrtle Beach Chamber of Commerce, \$115,000 distributed to the Georgetown Chamber of Commerce, \$30,000 distributed to  
12 the City of Georgetown, and \$30,000 distributed to the Williamsburg Chamber of Commerce for tourism related activities. The  
13 Myrtle Beach Chamber of Commerce and the Georgetown Chamber of Commerce shall submit a report to the Senate Finance  
14 Committee and the House Ways and Means Committee by December first each year describing how these funds were expended in  
15 the prior fiscal year.

16     **49.2.** (PRT: Destination Specific Tourism Marketing) The minimum grant awarded by the Destination Specific Tourism  
17 Program shall be \$250,000. Each state dollar must be matched with two dollars of private funds. An organization receiving a state  
18 grant must certify that, as of the date of the application: (i) the private funds are new dollars specifically designated for the purpose  
19 of matching state funds; (ii) the private funds have not been previously allocated or designated for tourism-related destination  
20 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  
21 provide the required match. Organizations applying for a grant must include in the grant application, information on how the  
22 organization proposes to measure the success of the marketing and public relations program, including the estimated return on  
23 investment to the state. Promotional programs proposed by an applicant must be based on research-based outcomes. Grants must  
24 be made only to organizations that have a proven record of success in creating and sustaining new and repeat visitation to its area  
25 and must have sufficient resources to create, plan, implement, and measure the marketing and promotional efforts undertaken as a  
26 part of the program. The department must award a grant only to one qualified destination marketing organization within their tourism  
27 region where the organization's private funds are raised. An organization receiving a grant must use the public and private funds  
28 only for the purpose of destination specific marketing and public relations designed to target international and/or domestic travelers  
29 outside the state to destinations within the state. All grants that qualify under the program must be funded if funds are available.  
30 Funding of all qualified grants will be on a first come first served basis with such basis retained throughout the term of this proviso.  
31 No organization shall receive in the first quarter more than fifty percent of the state dollars allocated to the program. If by the end  
32 of the third quarter matching funds are still available with no other organizations meeting the criteria for funding, the funds will be  
33 distributed to the organization or organizations that have and can meet all of the requirements of this proviso. Grant recipients shall  
34 provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means  
35 Committee and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the  
36 proposed outcome measures.

- 1       **49.3.** (PRT: Advertising Funds Use and Carry Forward) The Department of Parks, Recreation and Tourism may carry forward  
2 any unexpended funds appropriated on the Advertising line within Program II. A. Tourism Sales and Marketing from the prior fiscal  
3 year into the current fiscal year to be used for the same purposes which include the Tourism Partnership Fund, Destination Specific  
4 Marketing Grants and the agency advertising fund. ~~\$250,000 of the funds appropriated for the Advertising line within Program II.~~  
5 ~~A. Tourism Sales and Marketing shall be provided to the Charleston Area Convention & Visitors Bureau for special event promotion.~~
- 6       **49.4.** (PRT: Film Marketing) From the funds authorized to the Department of Parks, Recreation and Tourism in Section 49, Part  
7 IA of this Act for the South Carolina Film Commission, the department may use the film marketing funds for the following purposes:  
8 (1) to allow for assistance with recruitment and infrastructure development of the film industry; (2) to develop a film crew base; (3)  
9 to develop ally support in the film industry; (4) marketing and special events; and (5) to allow for assistance with the auditing and  
10 legal service expenses associated with the Motion Picture Incentive Act.
- 11       **49.5.** (PRT: Motion Picture Administration Application Fee) The Department of Parks, Recreation and Tourism may charge an  
12 application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting  
13 administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee  
14 schedule must be established and approved by the Director of the Department of Parks, Recreation and Tourism.
- 15       **49.6.** (PRT: Gift Shops) At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may  
16 close on weekends.
- 17       **49.7.** (PRT: PARD Interest) The department is hereby prohibited from utilizing the interest generated in the PARD program for  
18 anything other than the uses authorized by the law creating PARD. Should the PARD account not reach the required amount of  
19 \$920,000 to activate the minimum \$20,000 per county distribution, the department shall carry forward the funding until such time as  
20 the funds are sufficient to distribute as originally intended.
- 21       **49.8.** (PRT: Wage and Supplier Rebate Funds) From the funds set aside pursuant to the Motion Picture Incentive Act, any funds  
22 committed to film projects shall be carried forward from the prior fiscal year and used for the same purpose. Any uncommitted funds  
23 shall be carried forward from the prior fiscal year and may be used by the department for the same purpose, deferred maintenance  
24 and capital projects at state parks and Welcome Centers, and for Marketing/Advertising. Prior to the funds being utilized for the  
25 state's Welcome Centers the funds shall be placed in a separate and distinct fund prior to July thirtieth of the current fiscal year and  
26 the interest accrued by the fund must remain in the fund. Of the funds placed into the separate and distinct fund in the current fiscal  
27 year, up to ten percent may be utilized for operating costs directly related to the Welcome Centers. These funds shall be carried  
28 forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.
- 29       **49.9.** (PRT: Funds Exempt from Budget Cut) In the calculation of any across the board cut mandated by the Executive Budget  
30 Office or the General Assembly, any amounts appropriated for pass through, special items, or other items specified in any general  
31 proviso, which are exempt from reduction, shall be excluded from the Department of Parks, Recreation and Tourism's base budget.
- 32       **49.10.** (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the  
33 Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and  
34 generally accepted accounting standards. The department is allowed to reimburse PARD grantees from current year funds for prior  
35 year expenditures for a period of three years as allowed in Section 51-23-30 of the 1976 Code.

1       **49.11.** (PRT: Admission Fees and Charges) The department may impose reasonable fees and charges for admission to and/or use  
2 of park and recreational facilities and the revenues from such fees and charges must be used for park and recreational uses.

3       **49.12.** (PRT: Vending Services) The State Park Service, an office within the Department of Parks, Recreation, and Tourism shall  
4 be granted an exemption requiring the State Park Service to use the Commission for the Blind for vending services. All revenues  
5 earned by vending and retail operations at the State Parks shall be retained by the department to support the operational costs of the  
6 South Carolina State Parks. These funds may be carried forward from the prior fiscal year and must be used for the same purpose.  
7 This exemption does not apply to vending services at the State Welcome Centers.

8       **49.13.** (PRT: Football Exhibition Funding) ~~The funds appropriated to the Department of Parks, Recreation and Tourism for~~  
9 ~~Football Exhibition Games and carried forward into FY 2015-16 shall be made available to the Medal of Honor Bowl by September~~  
10 ~~1, 2015.~~

11       **49.14.** *(PRT: State Funded Grant Programs) Any unexpended general funds appropriated for the PARD Grants, Undiscovered*  
12 *SC, and Sports Marketing Grants Programs shall be carried forward from the prior fiscal year into the current fiscal year and used*  
13 *for the same purpose.*

#### 14 15 SECTION 50 - P320 - DEPARTMENT OF COMMERCE

16  
17       **50.1.** (CMRC: Development - Publications Revenue) The proceeds from the sale of publications may be retained in the agency's  
18 printing, binding, and advertising account to offset increased costs.

19       **50.2.** (CMRC: Economic Dev. Coordinating Council - Set Aside Fund) From the amount set aside in Section 12-28-2910, the  
20 council is authorized to use up to ten percent of such amount for actual operating expenses in support of administrative program costs  
21 and business recruitment and retention and up to \$60,000 to support the Geographic Information Systems (GIS) program, as approved  
22 by council. Any balance on June thirtieth of the prior fiscal year may be carried forward and expended for the same purposes in the  
23 current fiscal year.

24       **50.3.** (CMRC: Coordinating Council Funds) In order to provide maximum flexibility to encourage the creation of new jobs and  
25 capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds  
26 at its disposal to the Closing Fund, provided the transfer is approved by a majority vote of the Coordinating Council members in a  
27 public meeting. Any unexpended balance on June thirtieth, of the prior fiscal year may be carried forward and expended in the  
28 current fiscal year by the Department of Commerce for the same purpose.

29       **50.4.** (CMRC: Export Trade Show Funds) Funds collected from South Carolina companies for offsetting costs associated with  
30 participation in future trade shows may be carried forward from the prior fiscal year to the current fiscal year and used for that  
31 purpose.

32       **50.5.** (CMRC: Special Events Advisory Committee) The Department of Commerce is required to establish a Special Events  
33 Advisory Committee to provide oversight to the department as it relates to the department's Special Events Fund. The Advisory  
34 Committee shall be made up of contributors to the Fund appointed by the Secretary of Commerce and shall consist of no fewer than  
35 eight members, including a chairman. The Advisory Committee shall establish guidelines for the use of these funds. The Department  
36 of Commerce shall prepare a detailed report and have an independent audit of all expenditures of the fund during the previous

1 calendar year. None of these funds shall be used for operating expenses. The report shall be submitted to the Governor, the Speaker  
2 of the House, the President of Pro Tempore of the Senate, the Chairman of the House Ways and Means Committee, and Chairman  
3 of the Senate Finance Committee.

4 **50.6.** (CMRC: Development-Rental Revenue) Revenue received from the sublease on non-state-owned office space may be  
5 retained and expended to offset the cost of the department's leased office space.

6 **50.7.** (CMRC: Development-Ad Sales Revenue) The department may charge a fee for ad sales in department authorized  
7 publications and may use these fees to offset the cost of printing and production of the publications. Any revenue generated above  
8 the actual cost shall be remitted to the General Fund.

9 **50.8.** (CMRC: Foreign Offices) The Secretary of Commerce shall be authorized to appoint the staff of the department's foreign  
10 offices on a contractual basis on such terms as the Secretary deems appropriate, subject to review by the Department of  
11 Administration.

12 **50.9.** (CMRC: Funding For I-73) Of the funds authorized for the Coordinating Council Economic Development, \$500,000 shall  
13 be made available for the routing, planning and construction of I-73.

14 **50.10.** (CMRC: Closing Fund) In order to encourage and facilitate economic development, funds appropriated for the Closing  
15 Fund for competitive recruitment purposes shall be used as approved by the Coordinating Council for Economic Development. Any  
16 unexpended at the end of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of  
17 Commerce for the same purposes.

18 **50.11.** (CMRC: Coordinating Council - Application Fee Deposits) Application fees received by the department must be deposited  
19 within five business days from the Coordinating Council application approval date.

20 **50.12.** (CMRC: Recycling Advisory Council Reporting) The Recycling Market Development Advisory Council must submit an  
21 annual report outlining recycling activities to the Governor and members of the General Assembly by March fifteenth each year.

22 **50.13.** (CMRC: Regional Economic Development Organizations) The Department of Commerce shall utilize \$5,000,000  
23 appropriated in Fiscal Year ~~2015-16~~ 2016-17 for Regional Economic Development Organizations to provide funds to the following  
24 economic development organizations and must be disbursed as follows:

- |    |  |  |
|----|--|--|
| 25 | (1) Upstate Alliance                         | \$ 750,000;                              |
| 26 | (2) Central SC Economic Development Alliance | \$ 750,000;                              |
| 27 | (3) North Eastern Strategic Alliance (NESA)  | \$ 745,000;                              |
| 28 | (4) Charleston Regional Development Alliance | \$ 660,000;                              |
| 29 | (5) I-77 Alliance                            | <del>\$ 600,000</del> <u>\$660,000</u> ; |
| 30 | (6) Economic Development Partnership         | \$ 450,000;                              |
| 31 | (7) Southern Carolina Alliance               | \$ 460,000; and                          |
| 32 | (8) The LINK Economic Alliance               | \$ 385,000.                              |

33 Each dollar of state funds must be matched with one dollar of private funds. The organization receiving state funds must certify  
34 that the private funds are new dollars specifically designated for the purpose of matching state funds and have not been previously  
35 allocated or designated for economic development. No funds appropriated in this proviso may be used for routine operating costs of  
36 the organization as defined by the Department of Commerce.

1 The remaining ~~\$200,000~~ *\$140,000* shall be provided to ~~counties as follows~~ *Beaufort County*, provided ~~they meet~~ *it meets* the  
 2 requirements established above:

3 ~~(1) Beaufort County \_\_\_\_\_ \$ 140,000; and~~

4 ~~(2) Lancaster County \_\_\_\_\_ \$ 60,000.~~

5 Upon receipt of the request for the funds and certification of the matching funds, the Department of Commerce shall disburse the  
 6 funds to the requesting organization.

7 Funds recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the  
 8 House Ways and Means Committee and the Secretary of Commerce on the expenditure of the funds and on the outcome measures.

9 Any unexpended, unallocated, or undistributed funds appropriated in prior fiscal years for Regional Economic Development  
 10 Organizations shall first be made available to Regional Economic Development Organizations and any remainder shall be transferred  
 11 to the Rural Infrastructure Fund at the Department of Commerce. If more than one alliance applies for the same funds, the funds  
 12 will be distributed pro-rata.

13 **50.14.** (CMRC: SC Mfg Extension Partnership) No funds appropriated to the department that are designated for the SC  
 14 Manufacturing Extension Partnership may be utilized to compensate employees or individuals who engage in lobbying services on  
 15 behalf of the department or the partnership. In addition, the department shall prepare an annual report on the SC Manufacturing  
 16 Extension Partnership's expenditures for the prior fiscal year and shall submit the report to the Chairman of the Senate Finance  
 17 Committee and the Chairman of the House Ways and Means Committee by November first.

18 **50.15.** (CMRC: Business Incubator/Innovation Program) Any funds appropriated to the department for the Business  
 19 Incubator/Innovation Program shall be used for eligible projects that address one or more of the goals in the South Carolina  
 20 Innovation Plan and any investments must be accompanied by a dollar-for-dollar match from non-state appropriated funds. Up to  
 21 \$300,000 may be used by the department for administrative costs associated with this program.

22 **50.16.** (CMRC: Council on Competitiveness) The Department of Commerce shall utilize the funds appropriated in the current  
 23 fiscal year for the South Carolina Council on Competitiveness to provide funds for existing business economic development  
 24 activities. Each dollar of state funds disbursed must be matched equally with non-state appropriated funds and prior to the  
 25 disbursement of funds, the Council on Competitiveness must certify that these funds are new dollars specifically designated for the  
 26 purpose of matching state funds and have not been previously allocated or designated for economic development. The Council on  
 27 Competitiveness shall provide a report on the expenditure of the funds and on the outcome measures by January first, to the Chairman  
 28 of the Senate Finance Committee, the Chairman of the House Ways and Means Committee and the Secretary of Commerce.

29 **50.17.** *(CMRC: Grant Funds Carry Forward) The Department of Commerce may carry forward any unexpended balance on*  
 30 *June thirtieth of the prior fiscal year of grant funds appropriated and/or authorized for Innovation, Research/Applied Research*  
 31 *Centers, SCOPE, and LocateSC and expend such funds in the current fiscal year for the same purpose.*

### 32 SECTION 51 - P340 - JOBS-ECONOMIC DEVELOPMENT AUTHORITY

33  
 34  
 35 **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  
 36 bonds issued by the authority are not subject to approval by the State Fiscal Accountability Authority.



1     **SECTION 52 - P360 - PATRIOTS POINT DEVELOPMENT AUTHORITY**

2

3     **52.1.** (PPDA: USS Laffey Overnight Stays) From the funds authorized or appropriated to Patriots Point Development Authority  
4 as “other operating expenses” members of the USS Laffey Association who are temporarily present at Patriots Point to perform  
5 voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the Executive Director approves and has  
6 deemed it safe to do so.

7

8     **SECTION 53 - P400 - S.C. CONSERVATION BANK**

9

10     **53.1.** (CB: Conservation Bank Trust Fund) All revenues designated for the South Carolina Conservation Bank pursuant to  
11 Sections 12-24-95 and 12-24-97 of the 1976 Code must be credited to the South Carolina Conservation Bank Trust Fund.

12

13     **SECTION 54 - P450 - RURAL INFRASTRUCTURE AUTHORITY**

14

15     **54.1.** (RIA: Rural Infrastructure Fund Carry Forward) The Rural Infrastructure Authority may carry forward from the prior  
16 fiscal year into the current fiscal year, funds appropriated to the Rural Infrastructure Fund. The authority shall retain any unexpended  
17 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.

18     **54.2.** (RIA: Carry Forward - Local Government Assistance) The Rural Infrastructure Authority may carry forward from prior  
19 fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal  
20 funds for financial assistance to local governments with water, wastewater, and sewer projects.

21     **54.3.** (RIA: Carry Forward Calculation) For purposes of calculating the amount of funds which may be carried forward by the  
22 Rural Infrastructure Authority, grant and loan program funds carried forward by the Office of Local Government shall be excluded  
23 from the calculation of the carry forward authorized by provision elsewhere in this act.

24     **54.4.** (RIA: State Water Pollution Control Revolving Fund) In the event that any state funds remain after fully matching federal  
25 grants for the State Revolving Funds under the Clean Water Act or Safe Drinking Water Act, such funds may be deposited into the  
26 South Carolina Infrastructure Revolving Loan Fund established pursuant to Section 11-40-50.

27

28     **SECTION 57 - B040 - JUDICIAL DEPARTMENT**

29

30     **57.1.** (JUD: Prohibit County Salary Supplements) County salary supplements of Judicial Department personnel shall be  
31 prohibited.

32     **57.2.** (JUD: County Offices For Judges) Every county shall provide for each circuit and family judge residing therein an office  
33 with all utilities including a private telephone, and shall provide the same for Supreme Court Justices and Judges of the Court of  
34 Appeals upon their request.

35     **57.3.** (JUD: Commitments to Treatment Facilities) The appropriation for continued implementation of Article 7, Chapter 17,  
36 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,

1 admissions and discharges to mental health facilities, or treatment facility for the purpose of alcohol and drug abuse treatment, shall  
2 be expended for the compensation of court appointed private examiners, guardians ad litem, and attorneys for proposed patients, and  
3 related costs arising from the filing, service and copying of legal papers and the transcription of hearings or testimony. Court  
4 appointed private examiners, guardians ad litem and attorneys shall be paid at such rates or schedules as are jointly determined to be  
5 reasonable by the South Carolina Association of Probate Judges, the State Court Administrator, and the South Carolina Department  
6 of Mental Health with the approval of the Attorney General. The Judicial Department shall notify the Senate Finance Committee  
7 and the House Ways and Means Committee of any fee adjustment or change in schedule before implementation.

8 **57.4.** (JUD: Judicial Commitment) Except as otherwise provided in Section 117.5, no money appropriated pursuant to Item VI,  
9 Judicial Commitment shall be used to compensate any state employees appointed by the court as examiners, guardians ad litem, or  
10 attorneys nor shall such funds be used in payment to any state agency for providing such services by their employees.

11 **57.5.** (JUD: Judicial Expense Allowance) Each Supreme Court Justice, Court of Appeals Judge, Family Court Judge and Circuit  
12 Court Judge and any retired judge who receives payment for performing full-time judicial duties pursuant to Section 9-8-120 of the  
13 South Carolina Code of Laws, shall receive five hundred dollars per month as expense allowance.

14 **57.6.** (JUD: Special Judge Compensation) In the payment of funds from “Contractual Services”, and “Administrative Fund”,  
15 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  
16 case of an ongoing trial.

17 **57.7.** (JUD: BPI/Merit) Judicial employees shall receive base and average merit pay in the same percentages as such pay are  
18 granted to classified state employees.

19 **57.8.** (JUD: Supreme Court Bar Admissions) Any funds collected from the Supreme Court Bar Admissions Office ~~in excess of~~  
20 ~~the amount required to be remitted to the general fund~~ may be deposited into an escrow account with the State Treasurer’s Office.  
21 The department is authorized to receive, expend, retain, and carry forward these funds.

22 **57.9.** (JUD: Travel Reimbursement) State employees of the Judicial Department traveling on official state business must be  
23 reimbursed in accordance with Section 117.20(J) of this act.

24 **57.10.** (JUD: Interpreters) The funds appropriated in this section for “Interpreters” shall be used to offset costs associated with  
25 interpreters appointed in judicial proceedings under Sections 17-1-50, 15-27-155, and 15-27-15. The selection, use, and  
26 reimbursement of interpreters shall be determined under such guidelines as may be established by the Chief Justice of the Supreme  
27 Court. ~~Interpretive services for hearing impaired persons shall be obtained through contract with the South Carolina School for the~~  
28 ~~Deaf and the Blind, provided that if the Chief Justice determines, for any reason, that adequate services are not available through the~~  
29 ~~South Carolina School for the Deaf and the Blind, the Judicial Department may secure interpretive services from any qualified~~  
30 ~~vendor.~~

31 **57.11.** (JUD: Reimbursement Receipt Deposit) Amounts received as payment for reproducing, printing, and distributing copies  
32 of court rules and other department documents shall be retained for use by the department.

33 **57.12.** (JUD: Surplus Property Disposal) Technology equipment that has been declared surplus may be donated directly to  
34 counties for use in court-related activities.

1       **57.13.** (JUD: Judicial Carry Forward) In addition to the funds appropriated in this section, the funds appropriated for the Judicial  
2 Department in the prior fiscal year which are not expended during that fiscal year may be carried forward to be expended in the  
3 current fiscal year.

4       **57.14.** (JUD: Case Management Services) The Judicial Department shall retain revenue generated by charging a fee for  
5 technology support services provided to users of the State case management system. These funds may be expended and carried  
6 forward to offset the costs of supporting and maintaining the case management system.

7       **57.15.** (JUD: Magistrates' Training) From the funds appropriated to the Judicial Department, the department shall provide  
8 magistrates annual continuing education on domestic violence, which may include, but is not limited to:

9       (1) the nature, extent, and causes of domestic and family violence;

10       (2) issues of domestic and family violence concerning children;

11       (3) prevention of the use of violence by children;

12       (4) sensitivity to gender bias and cultural, racial, and sexual issues;

13       (5) the lethality of domestic and family violence;

14       (6) legal issues relating to domestic violence and child custody;

15       (7) procedures, penalties, programs, and other issues relating to criminal domestic violence, including social and psychological  
16 issues relating to such violence, the vulnerability of victims and volatility of perpetrators, and the court's role in ensuring that the  
17 parties have appropriate and adequate representation;

18       (8) procedures and other matters relating to issuing orders of protection from domestic violence.

19       **57.16.** (JUD: Judges Salary Exemption) For the current fiscal year, judges' salaries and related employer contributions in Part  
20 IA, Section 57, are exempt from mid-year across-the-board reductions.

21       **57.17.** (JUD: Judicial Department Applicability) For purposes of this act and any other provision of law that would have any  
22 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate  
23 or requirement of the provision, the terms "state agency" or "agency" do not include any component of the Judicial Department  
24 unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

25       **57.18.** (JUD: Court Costs Carry Forward) The Judicial Department shall retain the funds collected from costs related to court  
26 proceedings (including the cost of hearings, investigations, prosecution, service of process and court reporter services) under Rules  
27 413 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  
28 under Rule 413, that are assessed against a party. The department is authorized to receive, expend, retain, and carry forward these  
29 funds which shall be used for the same purpose.

30       **57.19.** (JUD: Appellate Court Fee) The Judicial Department shall retain the funds collected as required by the SC Appellate  
31 Court Rules. The department is authorized to receive, expend, retain, and carry forward these funds which shall be used by the  
32 department.

33       **57.20.** (JUD: Interpreter Training and Certification) The Judicial Department shall collect and retain funds received from  
34 applicants for interpreter training and certification tests. These funds shall be used to offset expenses incurred for the SC Court  
35 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 miles of the official headquarters of the agency  
9 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 of attorney's  
18 fees and court costs that exceed \$50,000 to the President Pro Tempore of the Senate, the Speaker of the House of Representatives,  
19 the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee for consideration by  
20 the General Assembly.

21     **59.10.** *(AG: Securities Fee and Litigation Recovery Revenue) The Office of the Attorney General shall retain the first twelve*  
22 *million dollars in Securities Fee revenue generated by the Attorney General's Office for litigation and other operating expenses as*  
23 *determined by the Attorney General. The next two hundred thousand in Securities Fee revenue shall be transferred to the State Law*  
24 *Enforcement Division for the purposes of the State Grand Jury and other purposes as determined by the director of the State Law*  
25 *Enforcement Division. All Securities Fee revenue collected in excess of twelve million two hundred thousand shall be remitted to*  
26 *the General Fund. In addition, all monies received from litigation recovery must be deposited into the Litigation Recovery Account*  
27 *at the Office of the State Treasurer and the Office of the Attorney General shall not retain any portion of these funds beyond*  
28 *reasonable costs incurred as defined in Section 1-7-85, of the 1976 Code. These funds may be carried forward from the prior fiscal*  
29 *year into the current fiscal year and be utilized for the same purpose.*

## 30 31 SECTION 60 - E210 - PROSECUTION COORDINATION COMMISSION

32  
33     **60.1.**(PCC: Solicitor Salary) The amount appropriated in this section for salaries of solicitors shall be paid to each full-time  
34 solicitor. Each full-time circuit solicitor shall earn a salary not less than each full-time circuit court judge.

35     **60.2.**(PCC: Solicitor Expense Allowance) Each solicitor shall receive five hundred dollars (\$500.00) per month as expense  
36 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 30, of the prior fiscal year, may be carried forward into  
6 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: the  
18 number of dispositions, types of dispositions and county in which the disposition took place and shall provide the General Assembly  
19 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  
13 will have the first \$3,450,000 distributed at an amount of \$75,000 per county. The remaining \$4,376,872 shall be distributed based  
14 upon the average incoming caseload for each county as reported by the Judicial Department for the prior three fiscal years.

## 16 SECTION 61 - E230 - COMMISSION ON INDIGENT DEFENSE

17  
18 **61.1.** (INDEF: Defense of Indigents Formula) The amount appropriated in this act for "Defense of Indigents" shall be  
19 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  
20 current official decennial census of the United States; provided that no county shall receive funding in an amount less than the amount  
21 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  
22 shall be permitted to contribute less money than the amount the county contributed in the prior fiscal year. Within the amount of  
23 money established for indigent defense services, the State shall set aside \$3,000,000 (Death Penalty Trial Fund) annually ~~exclusively~~  
24 for use of the defense in capital cases pursuant to Section 16-3-26 of the 1976 Code, for juveniles facing the possibility of a sentence  
25 of life without parole, and for the expenses of the operation of the Commission on Indigent Defense to include salaries and operations  
26 expenses of the Death Penalty Trial Division. The State also shall set aside \$2,500,000 annually to pay fees and expenses of private  
27 counsel appointed in noncapital cases pursuant to Section 17-3-50 (Conflict Fund). Of the funds generated from the fees imposed  
28 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  
29 monthly basis, fifty percent must be deposited into the Death Penalty Trial Fund, fifteen percent must be deposited into the Conflict  
30 Fund, and the remaining funds each month must be apportioned among the counties' public defender offices pursuant to Section 17-  
31 3-330. At the end of each fiscal year any leftover funds shall carryover to the next fiscal year. All applications for the payment of  
32 fees and expenses in capital cases shall be applied for from the Death Penalty Trial Fund which shall be administered by the  
33 Commission on Indigent Defense. All applications for the payment of fees and expenses of private counsel or expenses of public  
34 defenders pursuant to Section 17-3-50 shall be applied for from the Conflict Fund administered by the Commission on Indigent  
35 Defense. Reimbursement in excess of the hourly rate and limit set forth in Section 17-3-50 is authorized only if the court certifies,  
36 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

1 necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is  
2 appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not  
3 obtained, no additional fees shall be paid under any circumstances.

4 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the  
5 representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant  
6 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed  
7 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the  
8 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the  
9 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall  
10 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of  
11 the court is not obtained, no additional expenses shall be paid under any circumstances.

12 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established  
13 by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the  
14 Senate Finance Committee and the House Ways and Means Committee.

15 **61.2.** (INDEF: State Employee Compensation Prohibited) Except as otherwise provided in Section 117.5, no money  
16 appropriated pursuant to Defense of Indigents shall be used to compensate any state employees appointed by the court as examiners,  
17 guardians ad litem or attorneys nor shall such funds be used in payment to any state agency for providing such services by their  
18 employees.

19 **61.3.** (INDEF: Appellate Conflict Fund) The purpose of the Appellate Conflict Fund is to provide money to pay attorneys for  
20 representing indigent defendants on appellate review when the Office of Appellate Defense is unable to do so. Funds designated for  
21 appellate use in conflict cases shall be administered by the Commission on Indigent Defense. The Office of Appellate Defense must  
22 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,  
23 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  
24 court work in capital appeals with a maximum of \$10,000 per capital appeal. The appropriate appellate court shall review and  
25 approve vouchers for payment for appellate conflict cases. The Office of Appellate Defense shall continue to provide printing and  
26 other support functions currently provided from their resources. On June thirtieth of each year, the Commission on Indigent Defense  
27 shall review all outstanding obligations in this fund. Any unspent and unobligated money shall be used to pay outstanding vouchers  
28 in the Death Penalty Trial Fund or the Conflict Fund, provided the designated fund has become exhausted during the year.

29 **61.4.** (INDEF: SC Appellate Court Rule 608 Appointments) The funds appropriated under "SC Appellate Court Rule 608  
30 Appointments" shall be used for Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate  
31 Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict appointments to  
32 reimburse court appointed private attorneys and for other expenditures as specified in this provision. SC Appellate Court Rule 608  
33 Appointments funds may not be transferred or used for any other purpose.

34 A portion of the funds appropriated under "SC Appellate Court Rule 608 Appointments" shall be used for "Termination of Parental  
35 Rights" cases and "Abuse and Neglect" cases to reimburse private attorneys who are appointed by the Family Court to represent  
36 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



1 (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  
2 who are appointed by the Probate Court to represent indigent persons; and for “Sexually Violent Predator” cases to reimburse private  
3 attorneys who are appointed by the Circuit Court pursuant to Sections 44-48-10, et seq., to represent indigent persons. When private  
4 counsel is appointed pursuant to these provisions, counsel shall be reimbursed a reasonable fee to be determined on the basis of fifty  
5 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  
6 set fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed two thousand dollars for any case  
7 under which such private attorney is appointed.

8 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital Post  
9 Conviction Relief Cases. Any attorney appointed shall be compensated at a rate not to exceed forty dollars per hour for time expended  
10 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  
11 amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not exceed one thousand  
12 dollars in any single case.

13 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” shall be used for noncapital criminal  
14 cases pursuant to Section 17-3-50 (Conflict Fund). Any attorney appointed shall be compensated at a rate not to exceed forty dollars  
15 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  
16 method of payment and amount of set (flat) fee will be determined by the Commission on Indigent Defense. Attorney fees shall not  
17 exceed three thousand five hundred dollars in any single felony case or one thousand dollars in any single misdemeanor case.

18 Reimbursement in excess of the hourly rate and limit set forth herein is authorized only if the court certifies, in a written order  
19 with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide  
20 reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because  
21 the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional  
22 fees shall be paid under any circumstances.

23 Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonable and necessary for the  
24 representation of the defendant, the court shall authorize the defendant’s attorney to obtain such services on behalf of the defendant  
25 and shall authorize the payment, from funds available to the Commission on Indigent Defense, of fees and expenses not to exceed  
26 five hundred dollars as the court considers appropriate. Payment in excess of the five hundred dollar limit is authorized only if the  
27 court certifies, in a written order with specific findings of fact, prior to the expense being incurred, that payment in excess of the  
28 limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. Payments shall  
29 be made from funds appropriated for this purpose from the Commission of Indigent Defense. If prior approval by written order of  
30 the court is not obtained, no additional expenses shall be paid under any circumstances.

31 Indigent defense vouchers authorized in this provision must be reviewed and paid pursuant to procedures and policies established  
32 by the Commission on Indigent Defense. The commission shall provide a copy of the established procedures and policies to the  
33 Senate Finance Committee and the House Ways and Means Committee.

34 A portion of the funds appropriated under “SC Appellate Court Rule 608 Appointments” may be used by the Commission on  
35 Indigent Defense to retain, on a contractual basis, the services of attorneys qualified to handle civil and criminal court appointments,  
36 to be reimbursed in accordance with applicable provisos and statutes.

1       **61.5.** (INDEF: Carry Forward) To offset budget reductions, the Commission on Indigent Defense may carry forward and utilize  
2 any unencumbered balances available in the Appellate Conflict Fund and the SC Appellate Court Rule 608 Appointment Fund at the  
3 end of the prior fiscal year.

4       **61.6.** (INDEF: Public Defender Fee) Every person placed on probation on or after July 1, 2003, who was represented by a public  
5 defender or appointed counsel, shall be assessed a fee of five hundred dollars. The revenue generated from this fee must be collected  
6 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  
7 fee, this failure alone is not sufficient basis for incarceration for a probation violation. This assessment shall be collected and paid  
8 over before any other fees.

9       **61.7.** (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person requesting appointment of counsel in any  
10 termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the  
11 person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. This affidavit must be  
12 completed before counsel may be appointed. If it appears that the person has some assets but they are insufficient to employ private  
13 counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent  
14 Defense.

15       (B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit  
16 that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official  
17 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  
18 be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived  
19 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  
20 as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this  
21 section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an  
22 interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be  
23 administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all  
24 persons applying for representation and the disposition of the application and shall provide this information to the Commission on  
25 Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

26       (C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above  
27 affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents  
28 or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said  
29 juvenile.

30       (D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where  
31 existing statutes do not provide sufficient time for an individual to complete the application process.

32       (E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is  
33 provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a  
34 voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

35       (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  
36 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

1 such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that  
2 judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by  
3 this provision.

4 **61.8.** (INDEF: Exemption for Pass Through Funding) The funds distributed by the Commission on Indigent Defense to the  
5 Legal Services Corporation in accordance with Section 14-1-204 of the 1976 Code shall not be considered part of the commission's  
6 budget for purposes of calculating budget reductions.

7 **61.9.** (INDEF: Reporting Requirement) Circuit Public Defenders shall provide, in a manner and form as the agency head  
8 requires, information and data concerning caseloads, dispositions, and other information as required by the agency head or General  
9 Assembly. The agency shall withhold payments and transfers to Circuit Public Defenders who are not in compliance with the agency  
10 reporting requirements.

11 **61.10.** (INDEF: Donation Carry Forward) The Commission on Indigent Defense may accept donations for the publication of  
12 "The South Carolina Juvenile Collateral Consequences Checklist." All revenue derived from donations received at the Commission  
13 on Indigent Defense shall be retained, carried forward and expended according to agreement reached between the donor, or donors,  
14 and the Commission on Indigent Defense.

15 **61.11.** (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the  
16 commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to  
17 include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding.

18 The commission shall establish all policies, procedures and contract provisions as it deems appropriate for the implementation of  
19 the system, including but not limited to the selection and compensation of contract awardees.

20 **61.12.** (INDEF: Optional Courts and Indigent Representation) If a municipality has or elects to have an optional municipal court  
21 system, it must provide adequate funds for representation of indigents. No public defender shall be appointed in any such court  
22 unless the municipality and the office of the circuit public defender have reached an agreement for indigent representation and no  
23 funds allocated to the commission shall be used to provide compensation for appointed counsel in municipal courts.

24 **61.13.** (INDEF: Indigent Verification) ~~The Commission on Indigent Defense is directed to review the Affidavit for Indigency~~  
25 ~~and Application for Counsel and make recommendations to the General Assembly by January 5, 2016, on any additional requirements~~  
26 ~~for applicants in order to verify their financial status; the supporting documentation that should be required of all applicants in order~~  
27 ~~to verify their financial status; and the standards by which an application should be approved and counsel appointed accordingly.~~  
28 ~~Additionally, the commission shall report to the General Assembly by August 1, 2015, on the number of applications accepted and~~  
29 ~~rejected during Fiscal Year 2014-15.~~

## 30 31 SECTION 62 - D100 - STATE LAW ENFORCEMENT DIVISION

32  
33 **62.1.** (SLED: Special Account Carry Forward) Funds awarded to the State Law Enforcement Division by either court order or  
34 from donations or contributions shall be deposited in a special account with the State Treasurer, and shall be carried forward from  
35 year to year, and withdrawn from the Treasurer as needed to fulfill the purposes and conditions of the said order, donations or  
36 contributions, if specified, and if not specified, as may be directed by the Chief of the State Law Enforcement Division. Funds

1 expended from the special account must be annually reported by October first to the Senate Finance Committee and the Ways and  
2 Means Committee.

3 **62.2.** (SLED: Computer/Communications Center Carry Forward) Revenue generated from the operation of the division's  
4 criminal justice computer/communications center and not expended during the prior fiscal year may be carried forward and expended  
5 for the same purpose during the current fiscal year.

6 **62.3.** (SLED: Agents Operations Carry Forward) Any unexpended balance on June thirtieth, of the prior fiscal year, in Part IA,  
7 subsection 62 of the section "Agents Operations" may be carried forward and expended for the same purpose in the current fiscal  
8 year.

9 **62.4.** (SLED: Match for Federal Grants Carry Forward) State appropriations to SLED that are required to provide match for  
10 federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose  
11 as originally appropriated.

12 **62.5.** (SLED: Clothing Allowance) The State Law Enforcement Division is hereby authorized to provide agents and criminalists  
13 with an annual clothing allowance (on a pro rata basis) not to exceed \$600 per agent/criminalist for required clothing used in the line  
14 of duty.

15 **62.6.** (SLED: Witness Fee) The State Law Enforcement Division is hereby authorized to charge a witness fee of \$130.00 per  
16 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  
17 shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and  
18 deposited into a designated revenue account.

19 **62.7.** (SLED: Commissioned Officers' Physicals) The department is authorized to pay for the cost of physical examinations for  
20 department personnel who are required to receive such physical examinations prior to receiving a law enforcement commission.

21 **62.8.** (SLED: Meals in Emergency Operations) The State Law Enforcement Division may provide meals to employees of SLED  
22 who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises  
23 and when the Governor declares a state of emergency.

24 **62.9.** (SLED: Hazardous Materials Security Detail) The State Law Enforcement Division (SLED) is authorized to be reimbursed  
25 for security related law enforcement services provided to entities authorized to transport sensitive materials within the borders of  
26 South Carolina. SLED shall determine all costs associated with security details and is authorized to coordinate the collection,  
27 retention, and distribution to any assisting agency. SLED and each assisting agency shall expend any funds associated with  
28 minimizing risks related to the transportation of these hazardous materials for the implementation of homeland security initiatives.

29 **62.10.** (SLED: Sex Offender Registry Fee) Each Sheriff is authorized to charge and collect an annual amount of one hundred  
30 fifty dollars from each sex offender required to register by law. If such sex offender has been declared indigent by the Sheriff of the  
31 county in which the offender must register and provides proof of the declaration at the time of registration, the fee will automatically  
32 be waived. If an offender is not declared indigent and fails to pay the fee, he is officially declared unregistered. This fee shall be  
33 divided between the Sheriffs and the State Law Enforcement Division with one hundred dollars of the fee retained by the Sheriffs  
34 and the remaining fifty dollars remitted by the Sheriffs to SLED on a quarterly basis. These funds must be used to support the  
35 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 the same purpose in the current fiscal 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       **SECTION 63 - K050 - DEPARTMENT OF PUBLIC SAFETY**

22  
23  
24       **63.1.** (DPS: Special Events Traffic Control) The highway patrol must not charge any fee associated with special events for  
25 maintaining traffic control and ensuring safety on South Carolina public roads and highways unless approved by the General  
26 Assembly. Nothing shall prohibit the Treasury of the State from accepting voluntary payment of fees from private or public entities  
27 to defray the actual expenses incurred for services provided by the Department of Public Safety.

28       **63.2.** (DPS: Retention of Private Detective Fees) The Department of Public Safety is hereby authorized to receive, expend,  
29 retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration  
30 fees for private detective businesses, private security businesses, including employees of these businesses, and companies which  
31 provide private security on their own premises. The funds transferred are to be used in the Bureau of Protective Services Program  
32 to provide security for state agencies and the Capitol Complex.

33       **63.3.** (DPS: Motor Carrier Advisory Committee) From the funds appropriated and/or authorized to the Department of Public  
34 Safety and the Department of Motor Vehicles, the departments are directed to jointly establish a Motor Carrier Advisory Committee  
35 to solicit input from the Trucking Industry and other interested parties in developing policies and procedures for the regulation of  
36 this industry. The members of the advisory committee shall serve without compensation.

1       **63.4.** (DPS: Sale of Real Property) At such time as any portion of the Laurens Road property in Greenville is declared to be  
2 surplus by the agency or agencies which occupy said portion, and after receiving approval from the Department of Administration  
3 or State Fiscal Accountability Authority, for the sale of the property, the Department of Public Safety, the Department of  
4 Transportation, and the Department of Motor Vehicles are authorized to receive, retain, expend, and carry forward funds derived  
5 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  
6 surplus by one agency if another agency is occupying said property. The Department of Public Safety is directed to use these funds  
7 to defray the operating expenses of the Highway Patrol and the Department of Transportation and the Department of Motor Vehicles  
8 are directed to use their portion of these funds for department operating expenses.

9       **63.5.** (DPS: CMV Driver Rest Areas) A joint working group is to be established between the Department of Transportation,  
10 Department of Public Safety, State Transport Police and the South Carolina Trucking Association to review and evaluate where  
11 critical rest areas may be made available for commercial motor vehicle drivers to park and obtain their federally mandated required  
12 rest.

13       **63.6.** (DPS: SC Law Enforcement Officers Hall of Fame Scholarships) The Department of Public Safety is hereby authorized  
14 to accept donations from the public in order to provide scholarships to the children of law enforcement officers killed in the line of  
15 duty. The South Carolina Law Enforcement Officers Hall of Fame Advisory Committee is authorized to set the criteria for awarding  
16 such scholarships. All revenue received for this purpose shall be used to provide scholarships and shall be retained, carried forward,  
17 and expended for the same purpose.

18       **63.7.** (DPS: Hours of Service Rest Requirements) Of the funds directed to the Department of Public Safety, the department shall  
19 expend the necessary funds to establish a policy to allow drivers of commercial motor vehicles engaged in intrastate commerce to  
20 use time waiting in their trucks while on the job to satisfy any hours of service thirty minute rest requirements. The policy shall then  
21 be printed and distributed to the Senate Transportation Committee and the House of Representatives Education and Public Works  
22 Committee. In addition, the policy shall be provided to any motor carrier who requests a copy. The department is further instructed  
23 to allow the Motor Carrier Advisory Committee to review options that may facilitate adoption of allowable variances from state and  
24 federal statutes, rules, and regulations, as well as specific relief for interstate border-zone operations.

25       **63.8.** (DPS: Body Cameras) The Department of Public Safety is authorized to retain and carry forward unexpended funds  
26 associated with body cameras from the prior fiscal year into the current fiscal year and expend those funds for the same purpose.

## 27 SECTION 64 - N200 - LAW ENFORCEMENT TRAINING COUNCIL

30       **64.1.** (LETC: CJA-Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Law  
31 Enforcement Training Council, Criminal Justice Academy is authorized to expend federal and earmarked funds in the current fiscal  
32 year for expenditures incurred in the prior fiscal year.

33       **64.2.** (LETC: CJA-Retention of Emergency Expenditure Refunds) The Law Enforcement Training Council, Criminal Justice  
34 Academy is authorized to collect, expend, retain, and carry forward all funds received from other state or federal agencies in the  
35 current fiscal year as reimbursement of expenditures incurred in the current or prior fiscal year when personnel and equipment are  
36 mobilized and expenses incurred due to an emergency.

1     **SECTION 65 - N040 - DEPARTMENT OF CORRECTIONS**  
2

3     **65.1.** (CORR: Canteen Operations) Revenue derived wholly from the canteen operations within the Department of Corrections  
4 on behalf of the inmate population, may be retained and expended by the department for the continuation of the operation of said  
5 canteens and the welfare of the inmate population or, at the discretion of the Director, used to supplement costs of operations. The  
6 canteen operation is to be treated as an enterprise fund within the Department of Corrections and is not to be subsidized by state  
7 appropriated funds.

8     **65.2.** (CORR: E.H. Cooper Trust Fund) Any unclaimed funds remaining in any inmate account, after appropriate and necessary  
9 steps are taken to determine and contact a rightful owner of such funds, shall be deposited into the Inmate Welfare Fund.

10    **65.3.** (CORR: Instructional Salaries) The certified instructional personnel of the Department of Corrections shall receive a  
11 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel  
12 throughout the State.

13    **65.4.** (CORR: Funding Through State Criminal Assistance Program) All funds received by the State from the United States  
14 Department of Justice, State Criminal Alien Assistance Program, for care and custody of illegal aliens housed in the state correctional  
15 facilities shall be retained by the South Carolina Department of Corrections to offset incurred expenses.

16    **65.5.** (CORR: Remedial Education Funding) A criminal offender committed to the custody of the Department of Corrections,  
17 who has been evaluated to function at less than an eighth grade educational level, or less than the equivalent of an eighth grade  
18 educational level, may be required by department officials to enroll and actively participate in academic education programs. Funds  
19 appropriated to the Department of Corrections for educational programs shall be prioritized to assure such remedial services are  
20 provided.

21    **65.6.** (CORR: Tire Retreading Program Restriction) The tire retreading program at the Lieber Correctional Institution shall be  
22 limited to the marketing and sale of retreads to state governmental entities.

23    **65.7.** (CORR: Social Security Administration Funding) All funds received by the South Carolina Department of Corrections  
24 from the Social Security Administration under Section 1611 (e)(1)(I) of the Social Security Act, which provides payment for  
25 information regarding incarcerated Social Security Insurance recipients, shall be retained by the South Carolina Department of  
26 Corrections and credited to a fund entitled "Special Social Security" for the care and custody of inmates housed in the state  
27 correctional facilities.

28    **65.8.** (CORR: Medical Expenses) The Department of Corrections shall be authorized to charge inmates a nominal fee for any  
29 medical treatment or consultation provided at the request of or initiated by the inmate. A nominal co-pay shall be charged for  
30 prescribed medications. Inmates shall not be charged for psychological or mental health visits.

31    **65.9.** (CORR: Prison Industry Funds) The Director of the Department of Corrections, at his discretion, is hereby authorized to  
32 utilize prison industry funds for projects or services benefiting the general welfare of the inmate population or to supplement costs  
33 of operations. These funds may be carried forward from the prior fiscal year into the current fiscal year to be used for the same  
34 purpose.

35    **65.10.** (CORR: Reimbursement for Expenditures) The Department of Corrections may retain for general operating purposes any  
36 reimbursement of funds for expenses incurred in a prior fiscal year.



1       **65.11.** (CORR: Sale of Real Property) Funds generated from the sale of real property owned by the Department of Corrections  
2 shall be retained by the department to offset renovation and maintenance capital expenditures.

3       **65.12.** (CORR: Funds From Vehicle Cleaning) Monies generated by inmates engaged in the cleaning and waxing of private  
4 vehicles, or any other adult work activity center, shall be placed in a special account and utilized for the welfare of the inmate  
5 population.

6       **65.13.** (CORR: Release of Inmates) The Director of the Department of Corrections and other persons having charge of prisoners  
7 who are required to serve a period of six months or more, may release all such prisoners, including prisoners to whom Section 24-  
8 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  
9 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  
10 which is not a holiday.

11       **65.14.** (CORR: Western Union Funding) All funds received by the South Carolina Department of Corrections from the Western  
12 Union Quick Collect Revenue Sharing Program or similar private sector entities, which provides payment for processing electronic  
13 transfers into the E.H. Cooper Trust Fund, shall be retained by the South Carolina Department of Corrections and credited to a fund  
14 entitled "Inmate Welfare Fund" to be expended for the benefit of the inmate population.

15       **65.15.** (CORR: Monitoring Fees) The Department of Corrections is authorized to charge an inmate who participates in community  
16 programs a reasonable fee for the cost of supplying electronic and telephonic monitoring. The fees charged may not exceed the  
17 actual cost of the monitoring.

18       **65.16.** (CORR: Inmate Insurance Policies) The Department of Corrections may collect and record private health insurance  
19 information from incarcerated individuals. The department may file against any private insurance policy covering an inmate to  
20 recoup any health care expenditures covered by the policy. Health care will be provided in accordance with law and standards  
21 regardless of whether or not an inmate is covered by insurance.

22       **65.17.** (CORR: Work Release Transportation Fee) The South Carolina Department of Corrections is authorized to charge a \$4.00  
23 per day transportation fee to participants in the work release program only when such transportation is provided by the department.  
24 Monies collected shall be credited to the South Carolina Department of Corrections, and utilized solely to fund transportation of  
25 work release participants and vehicle replacement for the work release program.

26       **65.18.** (CORR: Special Assignment Pay Level 2 & 3 Facilities) Funds appropriated for special assignment pay at the Department  
27 of Corrections are for the purpose of addressing vacancies and turnover of staff by providing a pay differential for certain employees  
28 assigned to institutions with a Level II or Level III security designation. The funds are to be used for special assignment pay only  
29 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  
30 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  
31 employees in full-time equivalent positions are eligible for this special assignment pay.

32       The special assignment pay is not a part of the employee's base salary, but is a percentage thereof, and is to be paid ~~as follows~~ so  
33 as not to exceed the percentages specified below and as determined by the Director of the Department of Corrections:

34       (A) At Level II institutions:

35           (1) four percent for Correctional Officers including Class Code JD-30 (cadets and Officer I and II positions) and Corporals  
36 I and II;

- 1 (2) two percent for Sergeants and Lieutenants;
- 2 (3) one percent for Captains and Majors;
- 3 (4) two percent for Nursing staff; and
- 4 (5) two percent for Food Service staff.

5 (B) At Level III institutions:

- 6 (1) eight percent for Correctional Officers including Class Code JD-30 (cadets and Officer I and II positions) and
- 7 Corporals I and II;
- 8 (2) three percent for Sergeants and Lieutenants;
- 9 (3) one percent for Captains and Majors;
- 10 (4) three percent for Nursing staff; and
- 11 (5) three percent for Food Service staff.

12 **65.19.** (CORR: Quota Elimination) Pursuant to Section 24-3-60 of the 1976 Code, upon notification by the county, the

13 Department of Corrections shall accept newly sentenced inmates from each local jail and detention center.

14 For sentenced inmates who the county is willing to transport, the department may limit the acceptance at the Kirkland Correctional

15 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

16 Institutions to the hours of 8:00 a.m. to 10:30 a.m., Monday through Friday, excluding holidays.

17 By mutual agreement between the Department of Corrections and a local jail or detention center, the department may establish an

18 alternate admissions schedule for receiving inmates at the Reception and Evaluation Center.

19 At the time of transfer of the inmate to the department, the county shall provide the sentencing order, and if available copies of

20 medical screening records, booking reports, and other documents to assist the department in its intake processing. Counties that have

21 not completed medical screenings at the time of transfer shall not be required to do so.

22 In the event there are inadequate beds within the Reception and Evaluation Center, the Department of Corrections may create a

23 "jail" within the Kirkland Correctional Institution using one or more of the available 192-bed housing units to accept newly sentenced

24 state inmates who are awaiting R & E processing. The department may operate such "jail," to the extent feasible, in accordance with

25 standards applicable to the local jails.

26 The department shall use the funds appropriated in this act for "Quota Elimination" to accomplish this initiative and to open a 96-

27 bed unit at the MacDougall Correctional Institution and the 192-bed housing units at Kirkland Correctional Institution. The funds

28 may not be transferred to any other program or used for any other purpose.

29 **65.20.** (CORR: Public/Private Partnerships for Construction) Funds appropriated in Act 407 of 2006, item 23, shall be used to

30 construct as many multi-purpose buildings at Department of Corrections institutions as possible. For such facilities at Lieber,

31 McCormick, Leath, Perry, or Allendale Correctional Institution, at least \$150,000 in matching funds and/or construction materials

32 or services must be donated before construction of the facility may begin. At other Department of Corrections locations, the Director

33 may require that donated funds and/or materials or services equal one-half of the cost of construction, including design and

34 engineering costs.

35 **65.21.** (CORR: Inmate Barbering Program) Inmate barbers in the Inmate Barbering Program at the Department of Corrections,

36 shall not be subject to the licensing requirement of Section 40-7-30 of the 1976 Code.

1       **65.22.** (CORR: Executed Inmate Autopsy) For the current fiscal year, the autopsy requirements of Section 17-7-10 of the 1976  
2 Code are suspended when an inmate is executed by the Department of Corrections pursuant to a valid order of the Supreme Court of  
3 South Carolina.

4       **65.23.** (CORR: Recoupment of Expenses Associated with Inmate Cremation) If the Department of Corrections incurs expenses  
5 for cremating and disposing of an unclaimed deceased inmate, the department may recoup all associated costs of cremation, including  
6 transportation, through the deceased inmate's E.H. Cooper account, providing funds are available.

7       **65.24.** (CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences  
8 greater than ninety days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported  
9 to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for  
10 jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required  
11 commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable  
12 documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of  
13 Probation, Parole and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall  
14 obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above  
15 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  
16 the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.

17       **65.25.** (CORR: Cell Phone Interdiction) The Director of the Department of Corrections is granted the right to add a surcharge to  
18 all inmate pay phone calls to offset the cost of equipment and operations of cell phone interdiction measures. The surcharge will be  
19 added to the cost per call, collected by chosen telephone vendor and paid to the department on a monthly basis. The department is  
20 authorized to retain the funds to pay, either directly or through the State lease program, for equipment required to enact cell phone  
21 interdiction or retrieval. When the equipment has been paid in full, the surcharge amount will be reviewed and adjusted to cover the  
22 cost of ongoing operational expenses of the interdiction equipment. Any unexpended balance may be carried forward from the prior  
23 fiscal year into the current fiscal year and be used for the same purpose.

24       **65.26.** (CORR: Correctional Institution Maintenance and Construction) For maintenance and construction activities funded in the  
25 current fiscal year, the Department of Corrections may utilize inmate labor to perform any portion of the work on its own grounds  
26 and facilities. The provisions of Section 40-11-360(A)(9) of the 1976 Code shall apply to any such project, including new  
27 construction.

28       **65.27.** (CORR: Meals in Emergency Operations) The Department of Corrections may provide meals to public employees who  
29 are not permitted to leave their stations and are required to work during actual emergencies, emergency simulation exercises, or when  
30 the Governor declares a state of emergency.

31       **65.28.** (CORR: Prohibition on Funding Certain Surgery) (A) The Department of Corrections is prohibited from using state funds  
32 or state resources to provide a prisoner in the state prison system sexual reassignment surgery; however, if a person is taking hormonal  
33 therapy at the time the person is committed to the Department of Corrections, the department shall continue to provide this therapy  
34 to the person as long as medically necessary for the health of the person.

35       (B) As used in this provision:

1 (1) 'Hormonal therapy' means the use of hormones to stimulate the development or alteration of a person's sexual  
2 characteristics in order to alter the person's physical appearance so that the person appears more like the opposite gender;

3 (2) 'Sexual reassignment surgery' means a surgical procedure to alter a person's physical appearance so that the person  
4 appears more like the opposite gender.  
5

6 **SECTION 66 - N080 - DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES**  
7

8 **66.1.** (DPPP: Sale of Equipment) All revenue generated by the Department of Probation, Parole and Pardon Services from the  
9 sale of various equipment in excess of \$575, less the cost of disposition incurred by the Department of Administration, may be  
10 retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items.

11 **66.2.** (DPPP: Interstate Compact Application Fee) The department may charge offenders an application fee set by the  
12 department, not to exceed the department's actual costs, to offenders applying for transfers out of or into the state under the Interstate  
13 Compact Act. The application fee shall be retained by the department to offset the cost of the Interstate Compact Act. All unexpended  
14 funds at year-end may be retained and carried forward by the department to be expended for the same purpose.

15 **66.3.** (DPPP: GED Learn and Earn Program) From the funds appropriated in Part IA, the department may enter into agreements  
16 with statewide colleges, technical colleges, and school districts for the purpose of providing GED and GED Prep education to  
17 offenders. Offenders of the department enrolled in the program must repay the department the cost of the course and materials within  
18 six months of obtaining their GED.

19 **66.4.** (DPPP: Sex Offender Monitoring Carry Forward) The Department of Probation, Parole and Pardon Services is authorized  
20 to carry forward any unexpended funds in the Sex Offender Monitoring program. These funds must be used for the sex offender  
21 monitoring program. For the purpose of calculating the amount of funds which may be carried forward by the department, Sex  
22 Offender Monitoring program funds carried forward by this provision shall be excluded from the calculation of the carry forward  
23 authorized by provision elsewhere in this act.

24 **66.5.** (DPPP: Offender Drug Testing Fee) The department may charge offenders a fee set by the department, not to exceed \$50,  
25 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  
26 the department to offset the cost of drug testing. All unexpended funds at year-end may be retained and carried forward by the  
27 department to be expended for the same purpose.

28 **66.6.** (DPPP: Public Service Employment Set-Up Fee) In addition to any other fee, the department may charge an adult offender  
29 placed under the jurisdiction of the department, who is ordered to public service employment by the court, a twenty-five dollar Public  
30 Service Employment set-up fee. The fee must be retained by the department and applied to the department's supervision process.  
31 The department shall submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
32 Means Committee on the number of offenders who were assessed the set-up fee and the amount of funds collected.

1     **SECTION 67 - N120 - DEPARTMENT OF JUVENILE JUSTICE**

2

3     **67.1.** (DJJ: Meal Ticket Revenue) The revenue generated from sale of meal tickets by the Department of Juvenile Justice shall  
4 be retained and carried forward into the current fiscal year by the agency and expended for the operation of the agency's cafeterias  
5 and food service programs.

6     **67.2.** (DJJ: Interstate Compact Revenue) The revenue returned to the Interstate Compact Program shall be retained and carried  
7 forward into the current fiscal year by the agency and expended for the operation of the program.

8     **67.3.** (DJJ: Children's Projects Revenue) Funds generated from the projects undertaken by children under the supervision of the  
9 Department of Juvenile Justice may be retained by the department and utilized for the benefit of those children. Such funds may be  
10 carried forward into the following fiscal year.

11     **67.4.** (DJJ: Instructional Salaries) The certified instructional personnel of the Department of Juvenile Justice shall receive a  
12 percentage increase in their annual salary for the current fiscal year equal to the percentage allocated to the instructional personnel  
13 throughout the State.

14     **67.5.** (DJJ: Reimbursements for Expenditures) The Department of Juvenile Justice may retain for general operating purposes  
15 any reimbursement of funds for expenses incurred in a prior fiscal year.

16     **67.6.** (DJJ: Juvenile Arbitration/Community Advocacy Program) The amount appropriated and authorized in this section for the  
17 Juvenile Arbitration Program shall be retained and expended by the Department of Juvenile Justice for the purpose of providing  
18 juvenile arbitration services through the sixteen Judicial Circuit Solicitors' offices in the state and used to fund necessary  
19 administrative and personnel costs for the programs.

20     The Department of Juvenile Justice shall contract with Solicitors to administer the Juvenile Arbitration Program and disburse up  
21 to \$60,000 per Judicial Circuit based on services rendered. The amount payable to Solicitors may vary based on consistent adherence  
22 to established statewide program guidelines to assess program performance.

23     The \$250,000 appropriated for the Community Advocacy Program in the first Judicial Circuit, will be used to fund necessary  
24 administrative and personnel costs for this status offender diversion program. The Department of Juvenile Justice shall monitor and  
25 provide support to this program.

26     All unexpended funds may be retained and carried forward from the prior fiscal year to be used for the same purposes.

27     **67.7.** (DJJ: Sale of Real Property) After receiving approval from the Department of Administration or State Fiscal Accountability  
28 Authority, for the sale of property, the department is authorized to retain revenues associated with the sale of department-owned real  
29 property and may expend these funds on capital improvements reviewed by the Joint Bond Review Committee and approved by the  
30 State Fiscal Accountability Authority.

31     **67.8.** (DJJ: Sale of Timber) The Department of Juvenile Justice is hereby authorized to sell mature trees and other timber suitable  
32 for commercial purposes from lands owned by the department. Prior to such sales, the director shall consult with the State Forester  
33 to determine economic and environmental feasibility and to obtain approval for such sales. Funds derived from timber sales shall be  
34 retained and utilized for family support services after setting aside a reasonable amount, as determined by the State Forester, for  
35 reforestation of the lands from which the trees and timber are sold.

1       **67.9.** (DJJ: Drug Free Workplace) The critical mission of the Department of Juvenile Justice requires a safe and drug free work  
2 environment. In order to accomplish this, the department may conduct and pay for the cost of pre-employment drug testing and  
3 random employee drug testing. The department is authorized to expend funds in order to provide or procure these services.

4       **67.10.** (DJJ: Definition of Juveniles) The Department of Juvenile Justice is authorized to place juveniles in marine and wilderness  
5 programs or other community residence programs operated by nongovernmental entities. Juveniles receiving services in these  
6 community residence programs must either be referred to such a program by the Family Court as a condition of probation, released  
7 to such a program by the Board of Juvenile Parole, or voluntarily agree to be assigned and released to such a program by the  
8 Department of Juvenile Justice.

9       **67.11.** (DJJ: Adult Education - GED) Juveniles committed to the Department of Juvenile Justice who have been enrolled in, but  
10 not yet completed, a GED educational program while at the department, at the discretion of the local school district, upon release  
11 from the department shall be allowed to enroll in either the juvenile's local school district's regular education program, in their  
12 appropriate grade placement, or allowed to enroll in that district's or county's adult education program. If enrolled in an adult  
13 education program, the juvenile's eligibility for taking the GED shall be based upon the regulations promulgated by the Department  
14 of Education for youth who are confined in, or under the custody of, the Department of Juvenile Justice.

15       **67.12.** (DJJ: Local District Effort) Upon commitment or confinement to a Department of Juvenile Justice facility, the school  
16 district in which that child resides shall pay an amount equivalent to the statewide average of the local base student cost (thirty  
17 percent), multiplied by the appropriate pupil weighting set forth in Section 59-20-40, for instructional services provided to out-of-  
18 district students to the Department of Juvenile Justice for the time period in which the child is committed or confined to a department  
19 facility. EFA funding for school districts is provided for a one hundred eighty day school year. The billing provided by the  
20 department shall be calculated by dividing the local base student cost by two hundred twenty-five days to determine the daily rate.  
21 The department shall notify the school district in writing within forty-five calendar days that a student from the nonresident district  
22 is receiving education services pursuant to this provision. The notice shall also contain the student's name, date of birth, disabling  
23 condition if available, and dates of service.

24       The invoice shall be paid within sixty days of billing, provided the department has provided a copy of the invoice to both the  
25 superintendent and the finance office of the school district being invoiced. Should the school district fail to pay the invoice within  
26 sixty days, the department can seek relief from the Department of Education. The Department of Education shall withhold EFA  
27 funding equal to the billing from the district refusing to pay and submit the funding (equal to the invoice) to the department. If  
28 adequate funding is not received, the department shall have the flexibility to use funds from other programmatic areas to maintain  
29 an appropriate level of service.

30       **67.13.** (DJJ: Early Release Authorization) In order to avoid unconstitutional levels of overcrowding and other unconstitutional  
31 conditions from occurring in facilities operated by the department and in residential programs operated for the department, the  
32 number of children housed in residential placements (either committed to the custody of the Department of Juvenile Justice or who  
33 are under the department's supervision) shall not exceed the number of beds available to the department to house them. Should  
34 appropriation reductions necessitate that the department close any additional facility, program, or housing unit it operates, or to be  
35 unable to fund any additional residential program operated for its benefit, the department is authorized and empowered to release  
36 from its residential placements sufficient numbers of children committed to its custody or supervision for a status offense, a

1 misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature and Assault with Intent to Kill, or for violation  
2 of probation/contempt of a status offense or a misdemeanor offense, other than Assault and Battery of a High and Aggravated Nature  
3 and Assault with Intent to Kill, so that the number of children in its custody or under its supervision and placed in these residential  
4 placements does not exceed the number of housing units/beds available to properly house those children. No child adjudicated  
5 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  
6 1976 Code, or a sexual offense shall be released pursuant to this proviso.

7  
8 **SECTION 70 - L360 - HUMAN AFFAIRS COMMISSION**

9  
10 **70.1.** (HAC: Human Affairs Forum Carry Forward) All revenue derived from donations and registration fees received for  
11 attendance at Human Affairs Forums shall be retained and carried forward and expended for the purpose of general operations of the  
12 Human Affairs Commission.

13 **70.2.** (HAC: Training Revenue) All revenue derived from fees received from training and technical assistance provided by the  
14 Human Affairs Commission to entities other than state agencies shall be retained, carried forward, and expended for the purpose of  
15 general operations of the Human Affairs Commission.

16 **70.3.** (HAC: Revenue from Copying Fees) All revenue derived from providing requested copies of commission files, final  
17 opinions, orders, and determinations shall be retained, carried forward, and expended for the purpose of general operations of the  
18 Human Affairs Commission.

19  
20 **SECTION 71 - L460 - COMMISSION FOR MINORITY AFFAIRS**

21  
22 **71.1.** (CMA: Private Contributions and Sponsorship) Monies derived from private sources for agency research, forums, training,  
23 and institutes may be retained and expended by the commission for the said  
24 purpose. Any remaining balance may be carried forward and expended for the same purpose.

25 **71.2.** (CMA: Carry Forward Registration Fees) Revenue derived from registration fees received from training and institutes may  
26 be retained and carried forward for the purpose of conducting future training and institutes.

27 **71.3.** (CMA: Carry Forward Grant Awards) Revenues pooled from public and private sources for the purpose of awarding grants  
28 to address problems in the minority community may be retained and carried forward by the commission.

29 **71.4.** (CMA: Carry Forward Bingo Revenues) Bingo revenues received by the commission in the prior fiscal year pursuant to  
30 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  
31 the current fiscal year.

32 **71.5.** (CMA: Retention of Photocopy Fees) Revenue derived from photocopy fees and other fees related to Freedom of  
33 Information Act requests from the general public may be retained and carried forward by the Commission.

34

1     **SECTION 73 - R060 - OFFICE OF REGULATORY STAFF**

2

3     **73.1.** (ORS: Transportation Fee Refund) The Transportation Department of the Office of Regulatory Staff is hereby authorized  
4 to make refunds of fees which were erroneously collected.

5     **73.2.** (ORS: Assessment Certification) Office of Regulatory Staff shall certify to the Department of Revenue the amounts to be  
6 assessed to cover appropriations in this section as follows: (1) the amount applicable to the assessment on public utility, telephone  
7 utility, radio common carrier and electric utility companies as provided for by Section 58-4-60, Code of Laws of 1976, (2) the amount  
8 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  
9 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  
10 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  
11 Section 58-4-60, Code of Laws of 1976. The amount to be assessed against railroad companies shall consist of all expenses related  
12 to the operations of the Railway subprogram of the Agency's Transportation Division, to include the related distribution of salary  
13 increments and employer contributions not reflected in the related subprogram of this act as set forth in Section 58-4-60, Code of  
14 Laws of 1976.

15     **73.3.** (ORS: Assessment Adjustments) If the Office of Regulatory Staff determines that a person or entity subject to Title 58 of  
16 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  
17 Regulatory Staff shall, at its discretion:

- 18     (a) refund the person or entity the amount of over collection using funds from the current fiscal year;  
19     (b) refund the person or entity the amount of over collection using any unexpended funds from the prior fiscal year;  
20     (c) credit the amount the person or entity will be assessed in the next fiscal year for the amount of over collection; or  
21     (d) any combination of these.

22     The Office of Regulatory Staff, when determining the amount to be assessed in the next fiscal year, may take into consideration  
23 any underpayment or overpayment by a person or entity during a given year. Any unexpended funds from revenue generated pursuant  
24 to this section may be retained and carried forward and expended for the same purposes.

25     **73.4.** (ORS: SSEB Annual Dues) The annual dues of the Southern States Energy Board shall be paid from the Radioactive Waste  
26 Operating Fund.

27

28     **SECTION 74 - R080 - WORKERS' COMPENSATION COMMISSION**

29

30     **74.1.** (WCC: Medical Services Provider Manual Revenue) All revenue earned from the sale of the commission's publication  
31 Medical Services Provider Manual shall be retained by the agency to be used for the printing and distribution of subsequent revised  
32 editions of the schedule.

33     **74.2.** (WCC: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to  
34 be used for the printing of educational materials and other expenses related to conducting the seminar.



1       **74.3.** (WCC: Retention of Filing Fees) The Workers' Compensation Commission is authorized to retain and expend all revenues  
2 received as a result of a \$25.00 filing fee for each requested hearing, settlement, or motion. If it is determined that the individual is  
3 indigent, this filing fee must be waived.  
4

5       **SECTION 75 - R120 - STATE ACCIDENT FUND**  
6

7       **75.1.** (SAF: Educational Seminar Revenue) The State Accident Fund is authorized to set and collect fees for educational  
8 seminars. All revenue earned from educational seminars shall be retained by the agency and used for supplies, materials, and other  
9 expenses relating to the seminars.  
10

11       **SECTION 78 - R200 - DEPARTMENT OF INSURANCE**  
12

13       **78.1.** (INS: Examiners Travel/Subsistence Reimbursement) Notwithstanding the limitations in this act as to amounts payable or  
14 reimbursable for lodging, meals, and travel, the Department of Insurance is authorized to reimburse department examiners in  
15 accordance with guidelines established by the National Association of Insurance Commissioners only when the State is reimbursed  
16 by an insurance company for the travel and subsistence expenses of Insurance Department examiners pursuant to Section 38-13-10  
17 of the 1976 Code.

18       **78.2.** (INS: Reimbursement Carry Forward) Reimbursements received for Data Processing Services, Revenue, Miscellaneous  
19 Revenue and Sale of Listings and Labels shall be retained for use by the department. These funds may be carried forward in the  
20 current fiscal year.

21       **78.3.** (INS: Fees for Licenses) The Department of Insurance shall be authorized to charge a twenty-five dollar initial producer  
22 license fee; a twenty-five dollar biennial producer license renewal fee; and a two hundred-fifty dollar penalty fee for late appointment  
23 renewals. The director shall specify the time and manner of payment of these fees. These fees shall be retained by the department  
24 for the administration of Title 38.  
25

26       **SECTION 79 - R230 - BOARD OF FINANCIAL INSTITUTIONS**  
27

28       **79.1.** (FI: Supervisory Fees) The Board of Financial Institutions shall fix supervisory fees of banks, savings and loan associations  
29 and credit unions on a scale which, together with fees collected by the Consumer Finance Division will fully cover the total funds  
30 expended under this section.

31       **79.2.** (FI: National Mortgage Settlement Carry Forward) Funds received by the Consumer Finance Division pursuant to the  
32 State-Federal National Mortgage Settlement for enforcement and regulation may be retained, expended, and carried forward from  
33 the prior fiscal year into the current fiscal year and used for the same purposes.

1     **SECTION 80 - R280 - DEPARTMENT OF CONSUMER AFFAIRS**  
2

3     **80.1.** (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in settlement of cases involving  
4 violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended  
5 within the agency's budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these  
6 violations, may be carried forward and expended for the same purposes in the current fiscal year.

7     **80.2.** (CA: Student Athlete/Agents Registration) Funds received by the department of Consumer Affairs pursuant to registrations  
8 under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents  
9 and student athletes under that chapter.

10    **80.3.** (CA: Expert Witness/Assistance Carry Forward) Unexpended encumbered appropriated funds for the Consumer Advocacy  
11 expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual  
12 obligations existing at June thirtieth and not paid by July thirty-first.

13    **80.4.** (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer  
14 Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate  
15 Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of  
16 administering and enforcing Chapters 2 and 3, Title 37 of the 1976 Code and may be applied to the cost of operations. Unexpended  
17 balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

18    **80.5.** (CA: Retention of Fees) For the current fiscal year, the department may retain all fees collected pursuant to Sections 39-  
19 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  
20 of the programs mandated by those sections of the code.  
21

22     **SECTION 81 - R360 - DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
23

24    **81.1.** (LLR: Fire Marshal - Authorization to Charge Fees for Training) The Fire Academy may charge participants a fee to cover  
25 the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any  
26 unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.

27    **81.2.** (LLR: Real Estate - Special Account) Revenue in the Real Estate Appraisal Registry account shall not be subject to fiscal  
28 year limitations and shall carry forward each fiscal year for the designated purpose.

29    **81.3.** (LLR: POLA - Ten Percent, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and  
30 Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor's  
31 Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's  
32 Licensing Board to the general fund includes the ten percent.

33    **81.4.** (LLR: Fire Marshal Fallen Firefighters Memorial) The Department of Labor, Licensing and Regulation - Division of the  
34 State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private  
35 organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a memorial  
36 are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and maintenance.

1       **81.5.** (LLR: Firefighter Mobilization Project) The department is directed to utilize \$165,000 of the funds derived under Section  
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  
3 gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium  
4 deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.

5       **81.6.** (LLR: Match for Federal Funds) State appropriations to the Department of Labor, Licensing, and Regulation that are  
6 required to provide match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and  
7 expended for the same purpose as originally appropriated.

8       **81.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and  
9 OSHA Voluntary Programs, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and  
10 restricted accounts to maintain these critical programs previously funded with general fund appropriations. Any increase in spending  
11 authorization for these purposes must receive the prior approval of the Executive Budget Office.

12       **81.8.** (LLR: Immigration Bill Funding Report) Prior to any funds carried forward from the prior fiscal year in Subfund 3135  
13 being transferred to fund any other purpose, \$250,000 must be retained by the Department of Labor, Licensing, and Regulation to  
14 fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. The department shall compile an  
15 accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate,  
16 the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development  
17 Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the  
18 Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. Said report must be issued on the first  
19 Tuesday of February in the current fiscal year.

20       **81.9.** (LLR: Authorized Reimbursement) The Director of the Department of Labor, Licensing, and Regulation cannot authorize  
21 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  
22 at any location other than the offices of the department unless there has been a determination that the department is unable to provide  
23 space for the meeting in a state-owned or leased facility in Richland or Lexington County.

24       **81.10.** (LLR: Illegal Immigration Hotline Assistance) Upon the request of the Commission on Minority Affairs, the Department  
25 of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number  
26 and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions  
27 of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws  
28 or related provisions in South Carolina law against any non-United States citizen or immigrant.

29       Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of  
30 Chapter 83, Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation  
31 of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as  
32 defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or  
33 violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

34       **81.11.** (LLR: Board of Pharmacy) The Board of Pharmacy must accept affidavits of practical experience from interns whose  
35 practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of  
36 experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the

1 board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this  
2 proviso.

3 **81.12.** (LLR: Office of State Fire Marshal - Clothing) The Department of Labor, Licensing, and Regulation is authorized to  
4 purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working in  
5 a regulatory aspect and/or certified to be a resident state fire marshal.

6 **81.13.** (LLR: Wind and Structural Engineering Research Lab) ~~The Department of Labor, Licensing, and Regulation is directed~~  
7 ~~to utilize \$40,000 of the funds appropriated to the department to contract with the Citadel to establish a research project to determine~~  
8 ~~the validity of wind and seismic residential building requirements for South Carolina, as prescribed in the 2015 International~~  
9 ~~Residential Code (IRC). A preliminary report on the findings must be submitted to the SC Building Codes Council by June 30, 2016.~~

## 10 SECTION 82 - R400 - DEPARTMENT OF MOTOR VEHICLES

11  
12  
13 **82.1.** (DMV: Miscellaneous Revenue) Miscellaneous revenue shall be retained by the department and expended in budgeted  
14 operations and other related services or programs as the Director of the Department of Motor Vehicles may deem necessary. The  
15 Department of Motor Vehicles shall report annually to the General Assembly the amount of miscellaneous revenue retained and  
16 carried forward.

17 **82.2.** (DMV: Federal, Other Flow Through Funds) In order to complete projects begun in a prior fiscal year, the Department of  
18 Motor Vehicles is authorized to expend federal and earmarked funds in the current fiscal year for expenditures incurred in the prior  
19 fiscal year.

20 **82.3.** (DMV: Publish Headquarters Call Center Telephone Number) From the funds appropriated in Part IA, Section 82 to the  
21 Department of Motor Vehicles, it is the intent of the General Assembly that the Department of Motor Vehicles in each county should  
22 have the Headquarters Call Center telephone number published.

23 **82.4.** (DMV: Cost Recovery Fee/Sale of Photos or Digitized Images) The Department of Motor Vehicles may collect processing  
24 fees and fees to recover the costs of the production, purchase, handling and mailing of documents, publications, records and data  
25 sets. The amount charged by the Department of Motor Vehicles for any fees collected pursuant to this proviso may not exceed the  
26 rates that the department charged as of February 1, 2001. The Department of Motor Vehicles may not sell, provide or otherwise  
27 furnish to private parties, copies of photographs, whether digitized or not, taken for the purpose of a driver's license or personal  
28 identification card. Photographs and digitized images from a driver's license or personal identification card are not considered public  
29 records. Funds derived from these sources shall be retained by the department.

30 **82.5.** (DMV: DPPA Compliance Audit) The Department of Motor Vehicles may charge fees to defray the costs associated with  
31 auditing and enforcing compliance of all Federal or State statutes and regulations pertaining to personal information for customers  
32 receiving information disseminated by the department as allowed by law. This provision does not pertain to state agencies. The  
33 Comptroller General shall place the funds into a special restricted account to be used by the department.

34 **82.6.** (DMV: Underutilized Offices) The Director of the Department of Motor Vehicles is authorized to develop and implement  
35 a plan to reduce the hours of operation in underutilized DMV field offices; however the legislative delegation of the county in which

1 the affected field office is located must be notified prior to implementation of the plan. In addition, the director shall review field  
2 offices which have a high volume of traffic to determine whether it would be beneficial to expand the hours of operation.

3 **82.7.** (DMV: Facial Recognition Program) The Department of Motor Vehicles is directed to utilize the funds authorized for the  
4 agency to continue the Facial Recognition Program.

5 **82.8.** (DMV: Five Year Eye Exam Suspension) For the current fiscal year, Section 56-1-220(B), relating to the requirement for  
6 a vision screening certificate during the fifth year of a ten-year driver's license, is suspended. The department may use the savings  
7 recognized from the suspension of this requirement to support necessary technology upgrades.

8 **82.9.** (DMV: Activities Allowed on Special Restricted Driver's License) In the current fiscal year, employing funds authorized  
9 or appropriated to the Department of Motor Vehicles pursuant to Section 82, Part IA of this act, the department must include  
10 employment, school, church-related or sponsored activities, and parentally approved sports activities in the categories for which it  
11 may waive or modify restrictions in the special restricted driver's license for certain minors. The licensee must provide the  
12 department a statement of the purpose of the waiver or modification of restrictions executed by the parents or legal guardian of the  
13 licensee and documents executed by church representatives and/or representatives of the sports entity for which the waiver is being  
14 requested.

15 **82.10.** (DMV: Study of Motorcycle Usage and Safety) ~~From the funds appropriated to the Department of Motor Vehicles, a~~  
16 ~~committee shall be established to study motorcycle usage and safety in South Carolina.~~

17 ~~The composition of the study committee shall be as follows: one member appointed by the governor; two members appointed by the~~  
18 ~~Chairman of the Senate Transportation Committee, one of whom must be a member of A Brotherhood Against Totalitarian Enactments~~  
19 ~~(ABATE) of South Carolina; two members appointed by the Chairman of the House Education and Public Works Committee, one of~~  
20 ~~whom must be a member of ABATE of South Carolina; the Secretary of Transportation or his designee who shall have expertise in~~  
21 ~~motorcycle safety issues; the Director of the Department of Public Safety or his designee who shall have expertise in motorcycle safety~~  
22 ~~issues; and the Director of the Department of Motor Vehicles or his designee who shall have expertise in motorcycle safety issues.~~

23 ~~The committee shall study available data related to motorcycle usage and applicable laws and regulations. Before December 15,~~  
24 ~~2015, the committee shall issue its findings and recommendations to the Governor and to the members of the General Assembly.~~

## 25 26 SECTION 83 - R600 - DEPARTMENT OF EMPLOYMENT AND WORKFORCE

27  
28 **83.1.** (DEW: SCOICC User Fee Carry Forward) ~~All user fees collected by the South Carolina Occupational Information~~  
29 ~~Coordinating Committee through the Department of Employment and Workforce may be retained by the SCOICC to be used for the~~  
30 ~~exclusive purpose of operating the South Carolina Occupational Information System. All user fees not expended in the prior fiscal~~  
31 ~~year may be carried forward for use in the current fiscal year.~~

32 **83.2.** (DEW: Consortium Contracts: Training-Development Sessions and Media Services) All earmarked funds collected for the  
33 LMI - Training-Development Sessions; Media Services and Program Contracts through the Department of Employment and  
34 Workforce may be retained by the agency to be used for the exclusive purpose of operating these programs. All funds not expended  
35 in the prior fiscal year may be carried forward for use in the current fiscal year.

- 1       **83.3.** (DEW: Federal and Earmarked Prior Year Payments) The Department of Employment and Workforce shall be allowed to  
2 pay federal and earmarked prior year obligations with current year funds.
- 3       **83.4.** (DEW: Transparency of Funding Appropriation) In order to promote accountability and transparency, the Department of  
4 Employment and Workforce must provide and release to the public via the agency's website, a report of all aggregate amounts of  
5 taxes, fees and payments that were charged, collected and paid by that state agency in the prior fiscal year. For the purpose of  
6 efficiency and conservation of resources, this report shall be incorporated into the Trust Fund Report due by October first as required  
7 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  
8 not be limited to: (1) SUTA taxes collected per Tier; (2) unemployment benefit claims paid; (3) how many unemployment claims  
9 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  
10 the end of the fiscal year. The report must be posted online by October first of the current fiscal year. Additionally, the report must  
11 be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by  
12 October first. Funds appropriated to and/or authorized for use by the department shall be used to accomplish this directive.
- 13       **83.5.** (DEW: SUTA Contingency Assessment Funds) Thirty percent of the funds appropriated through the contingency  
14 assessment funds collected on taxable wages paid by employers shall be spent on enforcement of Section 41-35-110(3) and Section  
15 41-35-120(5) of the 1976 Code, via Eligibility Reviews, Random Verification of Job Contacts and Wage Cross Matches during those  
16 weeks covered by the South Carolina State Unemployment Tax Authority (SUTA), and to ensure seated meetings with  
17 Unemployment Insurance claimants and requiring that ~~one of the~~ all four job search contacts required per week be conducted through  
18 SC Works Online System (SCWOS), so that ~~it~~ searches can be electronically verified. The agency must also inform claimants in  
19 advance that Eligibility Reviews and Random Verification of Job Contacts will be used by the department to verify compliance with  
20 laws administered by the agency.
- 21       **83.6.** (DEW: Negotiation of Interest) ~~By October 1, 2015, the Department of Employment and Workforce must develop and~~  
22 ~~implement a plan to seek a waiver of interest on the state's FUA loan debt in order to mitigate the impact of the interest payments~~  
23 ~~on South Carolina employers.~~ For the current fiscal year and upon final repayment of all Title XII advances from the Federal  
24 Unemployment Account received by the state beginning in December of 2008, any interest assessment funds ~~remaining in~~ received  
25 by the Department of Employment and Workforce Interest Assessment Fund ~~authorized by~~ pursuant to Section 41-33-810 of the  
26 1976 Code shall be transferred to the Unemployment Compensation Fund.
- 27       **83.7.** (DEW: UI Tax System Modernization) The Department of Employment and Workforce is authorized to expend up to  
28 \$300,000 of funds made available to the State under Section 903 of the United States Social Security Act, as amended. The funds  
29 must be used under the direction of the Department of Employment and Workforce, for the purpose of acquiring software, equipment,  
30 and necessary services to replace the agency's unemployment tax information system with a modern technology solution. No part  
31 of the funds herein authorized may be obligated after a two-year period beginning on July 1, 2015. The amount obligated pursuant  
32 to this provision shall not at any time exceed the amount by which (a) the aggregate of amounts transferred to the accounts of the  
33 State pursuant to Section 903 of the Social Security Act exceeds (b) the aggregate of the amounts obligated for administration and  
34 paid out for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account  
35 of this State.
- 36       **83.8.** (DEW: Employment Training Outcomes Data Sharing) The Department of Employment and Workforce, in developing the  
37 Workforce and Labor Market Information System (WLMIS) improvements required of the Workforce Innovation and Opportunity

1 Act (WIOA) (P.L. 113-128), will require integration of training and employment data for the purposes of improving longitudinal  
2 assessment of employment outcomes for the various training providers eligible to receive funding appropriated or authorized by this  
3 Act.

4 (A) As the entity with authority for the oversight and maintenance for the WLMIS, the department shall establish a Governance  
5 Policy for the management, development, security, partner collaboration, and sharing responsibilities no later than July 1, 2016.

6 (B) No later than July 22, 2016, the department must develop a model data-sharing agreement with eligible training providers  
7 (ETPs). As specified by the WIOA Act, this agreement will require ETPs to submit data related to the types of training programs  
8 offered, individual student coursework and outcomes, program completion and time to complete, program costs, and tuition  
9 assistance. It will further require reporting of personally identifiable information (PII) to match training and employment data to  
10 determine placement in companies and jobs by the North American Industry Classification (NAIC) System and Standard Occupation  
11 Classification (SOC) System and other information necessary for the department to accurately and completely assess the  
12 effectiveness and return on investment of all training programs offered by the entity.

13 (C) No later than January 1, 2017, the department must develop a model data-sharing agreement with the Department of  
14 Education, the Center for Educator Recruitment, Retention and Advancement, and the Education Oversight Committee, the  
15 Vocational Rehabilitation Department, and the Commission on Higher Education to capture and match data as enumerated in item  
16 (B) of this provision. This agreement will ensure collaborative sharing of matched data with each partner agency for the purpose  
17 of program assessment and effectiveness in compliance with state and federal laws.

18 (D) The department and the South Carolina Student Loan Corporation shall, by January 1, 2017, enter into a data-sharing  
19 agreement to determine the average debt load carried by individuals who participate in training programs with eligible training  
20 providers. This agreement will ensure collaborative sharing of matched data for the purpose of program assessment and  
21 effectiveness in compliance with state and federal laws.

22 (E) No later than June 30, 2017, the department must develop a model data-sharing agreement with the Department of Social  
23 Services to capture data related to New Hire status and social service data and with the Department of Labor, Licensing and  
24 Regulation to capture licensing and licensing-related data. This agreement will ensure collaborative sharing of matched data for  
25 the purpose of program assessment and effectiveness in compliance with state and federal laws.

## 26 SECTION 84 - U120 - DEPARTMENT OF TRANSPORTATION

27  
28  
29 **84.1.** (DOT: Expenditure Authority Limitation) The Department of Transportation is hereby authorized to expend all cash  
30 balances brought forward from the previous year and all income including all federal funds, unexpended general funds and proceeds  
31 from bond sales accruing to the Department of Transportation, but in no case shall the expenditures of the Department of  
32 Transportation exceed the amount of cash balances brought forward from the preceding year plus the amount of all income including  
33 federal funds, general funds and proceeds from bond sales.

34 **84.2.** (DOT: Special Fund Authorization) The Department of Transportation with the approval of the State Treasurer, is hereby  
35 authorized to set up with the State Treasurer such special funds out of the Department of Transportation funds as may be deemed  
36 advisable for proper accounting purposes.

1       **84.3.** (DOT: Secure Bonds & Insurance) The Department of Transportation is hereby authorized to secure bonds and insurance  
2 covering such activities of the department as may be deemed proper and advisable, due consideration being given to the security  
3 offered and the service of claims.

4       **84.4.** (DOT: Benefits) Employees of the Department of Transportation shall receive equal compensation increases, health  
5 insurance benefits and employee bonuses provided in this act for employees of the State generally. The amount will be funded from  
6 Department of Transportation funding sources.

7       **84.5.** (DOT: Document Fees) The Department of Transportation is hereby authorized to establish an appropriate schedule of  
8 fees to be charged for copies of records, lists, bidder's proposals, plans, maps, etc. based upon approximate actual costs and handling  
9 costs of producing such copies, lists, bidder's proposals, plans, maps, etc.

10       **84.6.** (DOT: Meals in Emergency Operations) The Department of Transportation may provide meals to employees of the  
11 department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation  
12 exercises, and when the Governor declares a state of emergency.

13       **84.7.** (DOT: Rest Area Water Rates) For the current fiscal year, rest areas of the Department of Transportation shall be charged  
14 in-district water rates by providers of water and sewer services, unless the rate currently charged by the provider is less than in-  
15 district rates.

16       **84.8.** (DOT: Shop Road Farmers Market Bypass Carry Forward) Unexpended funds appropriated for the Shop Road Farmers  
17 Market Bypass may be carried forward into the current fiscal year and expended for the matching requirement for the widening and  
18 expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I).

19       **84.9.** (DOT: Tree Removal) The Department of Transportation is prohibited from using funds authorized by this act for clear  
20 cutting, or other similar activities, in the median of Interstate 26 from approximately mile marker 170 to approximately mile marker  
21 199 between Summerville and Interstate 95, except for the following mile marker locations: 170 to 171, 175 to 176, 182 to 183, 187  
22 to 191, and 193 to 199.

23       **84.10.** (DOT: Hanahan Permit Application) ~~With the funds authorized for the Department of Transportation, the department shall~~  
24 ~~coordinate and facilitate negotiations between the City of Hanahan, the United States Army Corps of Engineers, CSX Railroad, and~~  
25 ~~other applicable entities for the necessary permit required to complete the Railroad Avenue Extension project in the City of Hanahan.~~  
26 ~~The department shall submit any and all necessary applications for the required permit on behalf of the applicable entities no later~~  
27 ~~than June 30, 2016.~~

28       **84.11.** (DOT: Bridge Replacement in McCormick County) Planning and construction on a new U.S. 378 bridge crossing Lake J.  
29 Strom Thurmond must provide for and allow McCormick County to affix water lines to the new bridge just as the water lines are  
30 affixed to the existing bridge. McCormick County shall bear the cost of affixing the water lines to the new bridge.

31       **84.12.** (DOT: Project Priority List) From the funds appropriated to the department, the Department of Transportation Commission  
32 project priority lists, as required under Act 114 of 2007, shall be published in a conspicuous place on the department's website in a  
33 manner easily accessible to the public. The priority lists shall be accompanied by the associated engineering directives explaining  
34 the ranking process and methodology for applying the commission approved criteria.

35       **84.13.** (DOT: Sunset Suspended) ~~The provisions of Section 6 of Act 114 of 2007 are suspended for the current fiscal year.~~



1       **84.14.** (DOT: CTC Road Program) ~~The Department of Transportation shall distribute the \$70,499,995 appropriated for the~~  
2 ~~County Transportation Committee Road Program pursuant to Section 12-28-2740 of the 1976 Code. County Transportation~~  
3 ~~Committees shall utilize the funds distributed pursuant to this proviso solely for use on the state-owned secondary road system for~~  
4 ~~paving, rehabilitation, resurfacing, and/or reconstruction, and bridge repair, replacement, or reconstruction. No funds from this~~  
5 ~~allocation shall be used for any road, bridge, or highway that is not part of the state-owned system.~~

6       ~~Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the~~  
7 ~~same purposes.~~

## 9       **SECTION 87 - U300 - DIVISION OF AERONAUTICS**

10  
11       **87.1.** (AERO: Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements  
12 derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed  
13 \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

14       **87.2.** (AERO: Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and  
15 expended to cover the cost of building operations.

16       **87.3.** (AERO: Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e.  
17 Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA  
18 appropriations based on enplanements in South Carolina. This policy may be waived to provide matching state funds for critical  
19 FAA safety or capacity projects at air carrier airports.

20       **87.4.** (AERO: Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government  
21 owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the purpose of hangar and parking  
22 facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.

23       Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

24       **87.5.** (AERO: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall  
25 be credited to the State Aviation Fund within the Division of Aeronautics for the following purposes:

26       (1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement  
27 projects;

28       (2) for maintenance projects of general aviation airports; and or

29       (3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation  
30 industry and/or the promotion of aviation in general.

31       Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must  
32 have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

33       The Aeronautics Commission shall promulgate regulations establishing the grants program that, at a minimum, address: (1)  
34 priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds  
35 among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

1 Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a  
2 major factor in the priority guidelines established by the Aeronautics Commission pursuant to this provision. The Commission also  
3 shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for  
4 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  
5 relative contribution from the fund.

6 A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means  
7 Committee.

8 Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.  
9

#### 10 SECTION 88 - Y140 - STATE PORTS AUTHORITY

11  
12 **88.1.** (SPA: Charleston Cooper River Bridge Project) The State Ports Authority shall, from other general fund or operating fund  
13 surplus available and any funds appropriated to the authority in prior fiscal years and left unexpended as of July 1, ~~2015~~ 2016, pay  
14 to the State Transportation Infrastructure Bank one million dollars before June 30, ~~2016~~ 2017, to continue the Charleston Cooper  
15 River Bridge Project.

16 **88.2.** (SPA: Georgetown Port Marketing) The State Ports Authority will continue its cargo diversification strategy which  
17 enhances the marketing of all terminal capabilities in Charleston and Georgetown highlighting cruise, breakbulk, bulk, and roll  
18 on/roll-off.

19 **88.3.** (SPA: Harbor Deepening Reserve Fund) The State Ports Authority shall maintain the Harbor Deepening Reserve Fund.  
20 This fund shall be separate and distinct from the General Fund and interest accrued by the fund must remain in the fund. This fund  
21 must be used exclusively by the South Carolina Ports Authority for the activities associated with deepening the state's harbors. Prior  
22 to expending any amount from the fund, the State Ports Authority must present a comprehensive plan for the use of the fund for  
23 harbor deepening to the Joint Bond Review Committee for review and comment. These funds shall be carried forward from the prior  
24 fiscal year into the current fiscal year and must be used for the same purpose.

25 **88.4.** (SPA: Georgetown Port Maintenance Dredging Fund) The State Ports Authority shall maintain the Georgetown Port  
26 Maintenance Dredging Fund and any funds appropriated in this act for this purpose shall be deposited into this account. This fund  
27 shall be separate and distinct from the General Fund and the Harbor Deepening Reserve Fund and interest accrued by the fund must  
28 remain in the fund. This fund must be used exclusively by the South Carolina Ports Authority for the activities associated with the  
29 maintenance dredging of the Port of Georgetown. Prior to expending any amount from the fund, the State Ports Authority must  
30 present a comprehensive plan for the use of the fund for maintenance dredging to the Joint Bond Review Committee for review and  
31 comment. These funds shall be carried forward from the prior fiscal year into the current fiscal year and must be used for the same  
32 purpose.

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 ~~Fiscal Year 2015-16~~ *the current fiscal year*, the provisions of Section 56-1-5(F) are  
21 suspended. Any savings generated by not conducting the review shall be used to conduct audits required by Section 2-15-60 of the  
22 1976 Code.

23       **91.22.** (LEG: Electronic Correspondence) For ~~Fiscal Year 2015-16~~ *the current fiscal year*, the House of Representatives may not  
24 expend any funds for the printing or mailing of bills, summaries, committee agendas, etc. to committee members. The House of  
25 Representatives shall send all relevant information concerning committee meetings to committee members via electronic means.

26       **91.23.** (LEG: Technology Panel) Of the funds appropriated in XII.E.2. for Technology the K-12 Technology Initiative partnership  
27 shall provide a report to the House Education and Public Works Committee, the House Ways and Means Committee, the Senate  
28 Education Committee and the Senate Finance Committee, describing the state's efforts to facilitate the cost effective provision of  
29 connectivity and internet bandwidth to schools and libraries on a statewide basis, regardless of location, activities to assist schools  
30 and libraries in minimizing and detecting internet security threats, the development and utilization of technological and online  
31 resources to support student development and achievement, the development and utilization of curriculum and professional training  
32 to support the use of instructional technology in schools and libraries, and other educational technology related activities engaged in  
33 by the partnership. Further, the report must detail information on the expenditure of the K-12 Technology funds by each district as  
34 well as a list of the districts requesting flexibility in the use of those funds. The report shall be submitted no later than June 1, ~~2016~~  
35 2017.

1       **91.24.** (LEG: Legislative Department Applicability) For purposes of this act and any other provision of law that would have any  
2 effect on the expenditure of state revenue through the applicability of the particular provision or through compliance with a mandate  
3 or requirement of the provision, the terms “state agency” or “agency” do not include any component of the Legislative Department  
4 unless the provision of law specifically includes these entities and the inclusion only applies for purposes of the particular provision.

5       **91.25.** (LEG: Act 388 Study Committee) ~~Of the funds appropriated to the Senate, a study committee shall be established to review  
6 and study the effects of Act 388 of 2006 on the various classes of property.~~

7       ~~Membership of the committee shall be comprised of five members as follows:~~

8       ~~(1) one member of the Senate appointed by the President Pro Tempore of the Senate;~~

9       ~~(2) one member of the Senate appointed by the Chairman of the Senate Finance Committee;~~

10       ~~(3) one member of the Senate appointed by the Chairman of the Senate Judiciary Committee;~~

11       ~~(4) one member of the Senate appointed by the Senate Majority Leader; and~~

12       ~~(5) one member of the Senate appointed by the Senate Minority Leader.~~

13       ~~The study committee shall provide a report with findings and recommendations to the General Assembly by June 30, 2016, at  
14 which time the study committee shall be dissolved.~~

15       **91.26.** (LEG: Requested Information) The departments, bureaus, officers, commissions, institutions, and other agencies or  
16 undertakings of the State, upon request, shall immediately furnish to President Pro Tempore of the Senate or the Speaker of the  
17 House of Representatives in such form as he may require, any information requested in relation to their respective affairs or activities.

18       **91.27.** (LEG: Voting System Research Committee) ~~There is created a joint legislative committee, entitled the “Joint Voting  
19 System Research Committee.” This committee shall be comprised of ten members of the General Assembly, as follows:~~

20       ~~(1) the President Pro Tempore of the Senate, or his designee;~~

21       ~~(2) the Speaker of the House of Representatives, or his designee;~~

22       ~~(3) the Chairman of the Senate Finance Committee, or his designee;~~

23       ~~(4) the Chairman of the House Ways and Means Committee, or his designee;~~

24       ~~(5) the Chairman of the Senate Judiciary Committee, or his designee;~~

25       ~~(6) the Chairman of the House Judiciary Committee, or his designee;~~

26       ~~(7) the Majority Leader of the Senate, or his designee;~~

27       ~~(8) the Majority Leader of the House of Representatives or his designee;~~

28       ~~(9) the Minority Leader of the Senate, or his designee; and~~

29       ~~(10) the Minority Leader of the House of Representatives or his designee.~~

30       ~~In the event a designee is appointed they must be selected from the membership of the General Assembly.~~

31       ~~The committee shall identify and evaluate current voting system technologies that meet the standards established by Title 7 of the  
32 1976 Code. The committee shall issue a report which shall include, but is not limited to, the following:~~

33       ~~(1) an evaluation of each form of voting system technology considered by the committee, including costs, usability,  
34 reliability, accessibility, ability to conduct random audits of election results, and security matters related to each, as well as any  
35 possible solutions to address any concerns raised;~~

36       ~~(2) consideration of best practices established by the United States Election Assistance Commission; and~~

1           ~~(3) an analysis as to which technology should be implemented in South Carolina. This analysis shall include costs to acquire~~  
2 ~~and fully implement the recommended technology for a statewide uniform voting system. The analysis must include proposed~~  
3 ~~milestones and success measures for implementation.~~

4           ~~The report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means~~  
5 ~~Committee, the Chairman of the Senate Judiciary Committee, and the Chairman of the House Judiciary Committee no later than~~  
6 ~~January 30, 2016, after which the committee shall be dissolved.~~

7           ~~Staff for the joint committee shall be provided by the Senate Finance Committee, the House Ways and Means Committee, the~~  
8 ~~Senate Judiciary Committee, and the House Judiciary Committee. Members of the study committee shall serve without compensation~~  
9 ~~for per diem, mileage, and subsistence.~~

## 10 11 SECTION 92 - D210 - OFFICE OF THE GOVERNOR

12  
13           **92.1.** (GOV: Governor's Office Budget) All other provisions of law notwithstanding, the Executive Control of State section and  
14 Mansion and Grounds section shall be treated as a single budget section for the purpose of transfers and budget reconciliation.

15           **92.2.** (GOV: Mansion and Grounds Budget) The Governor's Office of Mansion and Grounds shall not exceed ten percent of its  
16 quarterly allocation of funds so as to provide for agency operations on a uniform basis throughout the fiscal year.

17           **92.3.** (GOV: Mansion and Grounds Maintenance and Complex Facilities) Revenue collected from rental of Mansion Complex  
18 facilities and grounds must be retained and expended by the Governor's Office, Mansion and Grounds to support its operations.  
19 Unexpended funds shall be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

20           **92.4.** (GOV: Use of Funds Report) In order to ensure transparency and accountability, the Governor's Office of Executive  
21 Control of State shall report quarterly to the Senate Finance Committee and House Ways and Means Committee on financial  
22 transactions that have taken place between Executive Control of State and Mansion and Grounds. These transactions shall include,  
23 but are not limited to, any transfer of funds or payments or reimbursements for services rendered. For each transfer, payment, or  
24 reimbursement the report must specify the amount, the reason for, or circumstance that necessitated the transaction, and the source  
25 of funds used. In the event federal or other funds were utilized, the source from which the revenue was generated must also be  
26 included. The report must be submitted as soon after the end of each quarter as practicable.

## 27 28 SECTION 93 - D500 - DEPARTMENT OF ADMINISTRATION

29  
30           **93.1.** (DOA: Development Disabilities Case Coordination System) Of the funds appropriated to the Department of  
31 Administration, Office of Executive Policy and Programs, \$50,000 must be used as state match for the Developmental Disabilities  
32 Council federal grant. These funds shall be excluded from the Department of Administration's base budget calculation of any across-  
33 the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

34           **93.2.** (DOA: CCRS Evaluations & Placements) The amount appropriated in this section under Special Items Children's Case  
35 Resolution System for Private Placement of Handicapped School-Age Children must be used for expenses incurred in the evaluation  
36 of children referred to the CCRS to facilitate appropriate placement and to pay up to forty percent when placement is made in-state



1 and up to thirty percent when placement must be made out-of-state of the excess cost of private placement over and above one-per-  
2 pupil share of state and local funds generated by the Education Finance Act, and the one-per-pupil share of applicable federal funds;  
3 provided it has been established that all other possible public placements are exhausted or inappropriate. The balance of funding  
4 responsibility necessary to provide the child with services must be determined by the Children's Case Resolution System (CCRS)  
5 and apportioned among the appropriate public agencies on the basis of the reasons for the private placement. When the amount  
6 appropriated in this section is exhausted, the funding responsibility must be apportioned according to the procedures of the CCRS.

7 **93.3.** (DOA: CCRS Significant Fiscal Impact) In accordance with Section 20-7-5240(e) of the 1976 Code, "significant fiscal  
8 impact" in the current fiscal year shall be defined for each designated agency as the greater of (1) funds appropriated by the General  
9 Assembly for the current fiscal year on cases referred to, decided or placed through the Children's Case Resolution System or (2)  
10 that agency's assigned shares in the current fiscal year of five cases decided by the Children's Case Resolution System.

11 **93.4.** (DOA: Victim/Witness Program Formula Distribution) If funds in the South Carolina Victims' Compensation Fund exceed  
12 the amount required to operate the State Office of Victims Assistance and pay claims of crime victims the first \$650,000 of such  
13 excess must be used for Victim/Witness programs by distribution to Judicial Circuits based on a formula and criteria developed by  
14 the policy committee, and otherwise subject to requirements of Section 60.8.

15 **93.5.** (DOA: Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$120,000 may  
16 be expended for physical abuse examinations.

17 **93.6.** (DOA: Foster Care-Private Foster Care Reviews) The Department of Administration, Office of Executive Policy and  
18 Programs, Division of Foster Care is authorized to restructure its programs, including but not limited to, suspending reviews of  
19 children privately placed in private foster care and/or changing the location of reviews of children in public foster care, to maintain  
20 continuous operations within existing resources as dictated by recent budget reductions. These decisions must be based upon the  
21 availability of existing funds. This provision supersedes any previous statutory or regulatory mandate.

22 **93.7.** (DOA: Guardian Ad Litem Program) Both the program and the funds appropriated to the Department of Administration,  
23 Office of Executive Policy and Programs, Division of Children's Services, Guardian ad Litem Program must be administered  
24 separately from other programs within the Division of Children's Services and must be expended for the exclusive use of the Guardian  
25 ad Litem Program.

26 For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by two  
27 percentage points. The revenue resulting from this reduction must be used exclusively for operations of the Guardian ad Litem  
28 program and be deposited in the State Treasury in a separate and distinct fund known as the "South Carolina Guardian ad Litem  
29 Trust Fund." Unexpended revenues in this fund carry forward to succeeding fiscal years, and earnings in this fund must be credited  
30 to it. The Guardian ad Litem program may carry forward the other funds authorized herein for its operations from the prior fiscal  
31 year into the current fiscal year.

32 **93.8.** (DOA: Continuum of Care Carry Forward) The Department of Administration, Office of Executive Policy and Programs,  
33 Division of Continuum of Care may carry forward funds appropriated herein to continue services.

34 **93.9.** (DOA: Procuring Services) In order to maximize services for victims of crime, if the fulfilling of requirements pursuant  
35 to Section 16-3-1410 of the 1976 Code, necessitates hiring any outside entities, the State Office of Victims' Assistance must follow  
36 procedures established by the SC Consolidated Procurement Code. Any entity contracting with the agency will submit an annual

1 report by August first to the Governor's Office and to the Chairmen of the Senate Finance Committee and House Ways and Means  
2 Committee detailing expenditures from the prior fiscal year in accordance with the State Office of Victims' Assistance. The  
3 Governor's Office of Executive Policy and Programs is directed to transfer \$122,032 of the funds carried forward from the prior  
4 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  
5 or services procured.

6 **93.10.** (DOA: M.J. "Dolly" Cooper Veterans Cemetery Carry Forward) The Department of Administration, Office of Executive  
7 Policy and Programs, Veterans' Affairs Program may carry forward unexpended funds appropriated and/or authorized for the M.J.  
8 "Dolly" Cooper Veterans Cemetery from the prior fiscal year and shall use such funds for the same purpose. In addition, any  
9 unexpended funds in the Veterans' Affairs Program, including Special Line Items, shall be carried forward from the prior fiscal year  
10 into the current fiscal year and used for operation of the M.J. "Dolly" Cooper Veterans Cemetery. Funds carried forward in excess  
11 of the amount needed for the operation of the Cemetery may be used for other expenses of the Veterans' Affairs Program. Funds  
12 carried forward may not be transferred to any other Department of Administration programs.

13 **93.11.** (DOA: Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer  
14 \$85,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.

15 **93.12.** (DOA: Veterans' Affairs Budget Reduction Exemption) Funds appropriated for the Department of Administration, Office  
16 of Executive Policy and Program, Veterans' Affairs Program shall be excluded from the Department of Administration's base budget  
17 in the calculation of any across-the-board agency base reductions mandated by the Executive Budget Office or General Assembly.

18 **93.13.** (DOA: Outside Legal Counsel) ~~In the event circumstances necessitate that the Department of Administration, Office of~~  
19 ~~Executive Policy and Programs acquire the services of outside legal counsel, the Department of Administration must follow~~  
20 ~~procedures established by the SC Consolidated Procurement Code.~~

21 **93.14.** (DOA: Carillon Tower) The Department of Administration, Office of Executive Policy and Programs, Veterans' Affairs  
22 Program shall use any carry forward funds authorized for the M.J. "Dolly" Cooper Veterans Cemetery to construct the Carillon  
23 Tower to house the sound system used to provide bell tower music for the cemetery.

24 **93.15.** (DOA: State House Operation & Maintenance Account) Funds appropriated to the Department of Administration - for  
25 State House Maintenance & Operations & Renovations must be set aside in a separate account for the operation and maintenance of  
26 the State House. The department shall report annually to the State House Committee on the amount expended from this fund.

27 **93.16.** (DOA: Wireless Communications Tower) ~~The Department of Administration is directed to coordinate tower and antenna~~  
28 ~~operations within South Carolina state government. The department shall (1) approve all leases regarding antenna placement on~~  
29 ~~state-owned towers and buildings, (2) coordinate all new tower construction on state-owned property, (3) promote and market excess~~  
30 ~~capacity on the State's wireless communications infrastructure, (4) generate revenue by leasing, licensing, or selling excess capacity~~  
31 ~~on the State's wireless communications infrastructure, and (5) construct new communications assets on appropriate state-owned~~  
32 ~~property for the purpose of generating revenue pursuant to this proviso. All revenue from tower and antenna leases and contracts~~  
33 ~~after July 1, 2001 must be remitted to a separate fund established by the department and shall be transferred to the Educational~~  
34 ~~Television Commission which shall retain and expend such funds for agency operations. The commission shall be authorized to~~  
35 ~~carry forward unexpended funds from the prior fiscal year into the current fiscal year. Agencies owning tower and antenna assets~~  
36 ~~will be allowed to recover expenses associated with implementing this proviso from this fund. The department shall annually report~~

1 to the Chairmen of the Senate Finance and House Ways and Means Committees by October first of each year all revenue collected  
2 and disbursed. This report shall also include a summary of each agency's overall revenues, whether retained by the agency or  
3 remitted to the separate fund.

4 **93.17.** (DOA: Compensation - Reporting of Supplemental Salaries) No supplement shall be paid to an agency's employee unless  
5 the agency head or designated official of the employing agency, or in the case of supplements paid to college and university  
6 presidents, their board of trustees, has approved the conditions and amount of salary supplement. Any compensation, excluding  
7 travel reimbursement, from an affiliated public charity, foundation, clinical faculty practice plan, or other public source or any  
8 supplement from a private source to the salary appropriated for a state employee and fixed by the State must be reported by the  
9 employing agency to the Department of Administration. The report must include the employee's base salary, amount of the  
10 supplement, source of the supplement, and any condition of the supplement. The employing agency must report this information on  
11 or before August thirty-first of each year and must include the total amount and source of the salary supplement received by the  
12 employee during the preceding fiscal year (July first through June thirtieth). The Department of Administration shall formulate  
13 policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies of the reports shall be made  
14 available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, upon  
15 request.

16 **93.18.** (DOA: Compensation Increase - Appropriated Funds Ratio) Appropriated funds may be used for compensation increases  
17 for classified and unclassified employees and agency heads only in the same ratio that the employee's base salary is paid from  
18 appropriated sources.

19 **93.19.** (DOA: Local Provider Health Insurance) The local health care providers of the Department of Disabilities and Special  
20 Needs shall be awarded funding increases as prescribed for state agencies to cover the employer's share for the cost of providing  
21 health and dental insurance to their employees.

22 **93.20.** (DOA: Military Service) Notwithstanding the provisions of Section 8-11-610 of the 1976 Code, a permanent full-time  
23 state employee who serves on active duty as a result of an emergency or conflict declared by the President of the United States, and  
24 performs such duty, may use up to forty-five days of accumulated annual leave and may use up to ninety days of accumulated sick  
25 leave in a calendar year as if it were annual leave.

26 **93.21.** (DOA: Antenna and Tower Placement) ~~All leases for antenna and tower operations within institutions of higher learning~~  
27 ~~campuses must conform to master plans for such property, as determined solely by the institution of higher learning.~~

28 **93.22.** (DOA: First Responder Interoperability) The Department of Administration is directed to administer and coordinate First  
29 Responder Interoperability operations for the statewide Palmetto 800 radio system to better coordinate public safety disaster  
30 responses and communications. First Responder Interoperability administration and coordination shall be funded as provided in this  
31 act. The cost-proportional funds shall be utilized for radio user fees of state agencies and public safety first responders (Fire, EMS  
32 and Law Enforcement) that participate in the statewide Palmetto 800 radio system (Palmetto 800 participants). The Department of  
33 Administration, in consultation with the State Law Enforcement Division, the Department of Public Safety, and the State Emergency  
34 Management Division, and a representative of the South Carolina Sheriff's Association, shall set a baseline number of radios used  
35 by each Palmetto 800 participant based on the technical aspects of the Palmetto 800 radio system and the jurisdictional requirements  
36 of the participant. If a Palmetto 800 participant reduces the baseline number of radios in use, the amount of funds allocated for the

1 participant's radio user fees shall be reduced in a proportional amount. The funds shall also be utilized to provide private county and  
2 city radio systems with grant funds to be used for purchases of equipment that support interoperability with the statewide Palmetto  
3 800 radio system and its users. Grant funds shall be allocated to private county and city radio systems based on the criteria used for  
4 Palmetto 800 Participants and in amounts proportional to the amounts allocated to support the per-site radio user fees of Palmetto  
5 800 participants. A matching share is required by a Palmetto 800 participant or by a private county or city radio system in order to  
6 qualify for receipt of funds pursuant to this proviso. Each fiscal year the Department of Administration shall establish the level of  
7 match required based upon funding provided by this act. These entities shall be required to furnish such documentation as may be  
8 required by the department to verify that the matching funds requirement is met. Upon funding state agency and public safety first  
9 responder user fees and private county and city equipment purchases, any remaining funds may be used to enhance and expand the  
10 statewide Palmetto 800 radio system. All funds shall be held in a separate account established by the department for the purposes  
11 set forth herein. Any unexpended portion of these funds may be carried forward and used for the same purpose. In the calculation  
12 of any across-the-board budget reduction mandated by the Executive Budget Office or General Assembly, the amount appropriated  
13 to the Department of Administration for First Responder Interoperability must be excluded from the department's base budget.

14 The Department of Administration shall provide a report on the status of the integration of the statewide Palmetto 800 radio system  
15 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  
16 preceding fiscal year and the reason why they are not integrated. The report shall be submitted by October first, of the current fiscal  
17 year to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee.

18 **93.23.** (DOA: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus  
19 real properties shall be retained by the Department of Administration and used for the deferred maintenance of state-owned buildings.  
20 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  
21 assigned to and shall be used by that agency for nonrecurring purposes. This provision applies to all state agencies and departments  
22 except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle  
23 Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department  
24 of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the  
25 Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident  
26 Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational  
27 Television Commission's Key Road property.

28 The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road,  
29 and such proceeds may be used for the renovation of the ETV Telecommunications Center and other maintenance and operating  
30 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  
31 cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder  
32 shall, prior to said sale, be submitted to the Department of Administration for approval as being in compliance with the requirements  
33 of this subsection.

34 The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the  
35 Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of  
36 Corrections.

1 The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting  
2 operations and replacement of firefighting equipment.

3 The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally  
4 purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation,  
5 and/or establishment of regional offices and related facilities.

6 The Department of Vocational Rehabilitation shall be authorized to retain the net proceeds from the sale of 3.205 acres located at  
7 22861 Highway 76 East in Clinton, South Carolina to be used for capital projects and deferred maintenance.

8 The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of  
9 Natural Resources, the Forestry Commission, and the Department of Vocational Rehabilitation shall annually submit a report, within  
10 sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the  
11 status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

12 This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state-owned real property  
13 whether in permanent law, temporary law or by provision elsewhere in this act.

14 Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

15 **93.24.** (DOA: Compensation - Agency Head Salary) ~~In the event of an agency head or technical college president vacancy, the~~  
16 ~~governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior~~  
17 ~~favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or~~  
18 ~~technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No~~  
19 ~~agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and~~  
20 ~~commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay~~  
21 ~~a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary~~  
22 ~~Commission. The funding of the salaries of any agency head or technical college president should come from resources within the~~  
23 ~~agency. The Department of Administration shall contract every four years for a study of agency head and technical college president~~  
24 ~~compensation. The cost of the study must be shared by the participating agencies. The staff of the State Fiscal Accountability~~  
25 ~~Authority shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of the respective~~  
26 ~~salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical college president~~  
27 ~~to provide salary increases for an agency head or technical college president not to exceed that recommended by the Agency Head~~  
28 ~~Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay range nor receive~~  
29 ~~an increase that would have the effect of raising the salary above the maximum of the pay range.~~

30 **93.25.** (DOA: Cyber Security) All state agencies must adopt and implement cyber security policies, guidelines and standards  
31 developed by the Department of Administration. The department may conduct audits on state agencies except public institutions of  
32 higher learning, technical colleges, political subdivisions, and quasi-governmental bodies as necessary to monitor compliance with  
33 established cyber security policies, guidelines and standards. Upon request, public institutions of higher learning, technical colleges,  
34 political subdivisions, and quasi-governmental bodies shall submit sufficient evidence that their cyber security policies, guidelines  
35 and standards meet or exceed those adopted and implemented by the department. In addition, while agencies retain the primary  
36 responsibility and accountability for ensuring responses to breach incidents comply with federal and state laws, the department shall

1 be informed of all agency cyber security breaches, and is authorized to oversee incident responses in a manner determined by the  
2 department to be the most prudent. Upon request of the Department of Administration for information or data, all agencies must  
3 fully cooperate with and furnish the department with all documents, reports, assessments, and any other data and documentary  
4 information needed by the department to perform its mission and to exercise its functions, powers and duties. The Judicial and  
5 Legislative Branches are specifically exempt from the requirements set forth herein.

6 **93.26.** (DOA: Holidays) When a legal holiday specified in Section 53-5-10 of the 1976 Code falls on Sunday, the following  
7 Monday and when a holiday specified in that section falls on Saturday, the preceding Friday next preceding is deemed a public  
8 holiday for all of the purposes. If either the following Monday or the preceding Friday is also a legal holiday, then the State Human  
9 Resources Director will designate the day upon which the legal holiday will be observed by state employees. To insure that no more  
10 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  
11 be observed on the following Monday. All bills of exchange, checks, and promissory notes which would otherwise be presentable  
12 for acceptance or payment on a Monday or Friday observed as a holiday pursuant to this section are deemed presentable for  
13 acceptance or payment on the secular or business day succeeding the holiday.

14 **93.27.** (DOA: Nuclear Advisory Council) The Office of Regulatory Staff shall reimburse the Department of Administration for  
15 travel expenses associated with the Governor's Nuclear Advisory Council from the SC Energy Office's radioactive waste funds.

16 **93.28.** (DOA: Classification and Compensation System Study) ~~(A) The Department of Administration, Human Resources~~  
17 ~~Division shall enter into a contract to conduct an in-depth study of the state's classification and compensation system. For purposes~~  
18 ~~of the study, compensation shall include comprehensive employee benefits. The vendor must have experience with a state's~~  
19 ~~compensation system. The study shall include, but not be limited to:~~

- 20 ~~(1) methods used to develop and determine position classifications;~~  
21 ~~(2) methods used to set pay grade minimum, midpoint, and maximum;~~  
22 ~~(3) appropriate market comparisons including, but not limited to, the private sector and local governments;~~  
23 ~~(4) methods to minimize salary disparities within an agency and within state government;~~  
24 ~~(5) methods of developing and sustaining a consistent long-term salary increase administrative policy for state government;~~  
25 ~~(6) recruitment and retention tools including, but not limited to, the impact of the Teacher and Employee Retirement~~  
26 ~~Incentive program;~~  
27 ~~(7) a process to address longevity pay deficits that currently exist;~~  
28 ~~(8) a state compensation philosophy statement;~~  
29 ~~(9) an analysis of merit-based compensation for employees and~~  
30 ~~(10) an analysis of unnecessary, underutilized, and duplicative positions in order to use that pay to increase salaries of existing~~  
31 ~~employees.~~

32 ~~The study should also include interviews with agency heads and human resource staff from state agencies of various sizes. The~~  
33 ~~cost of the study shall not exceed \$300,000.~~

34 ~~The findings of the study along with an implementation plan outlining the steps, sequences, and costs for implementing study~~  
35 ~~recommendations and findings shall be submitted by January 4, 2016 to the Classification and Compensation System Study~~  
36 ~~Committee as defined herein.~~

1 ~~(B) There is created the Classification and Compensation System Study Committee which shall examine the findings and~~  
2 ~~recommendations submitted by the Department of Administration, Human Resources Division on the state's classification and~~  
3 ~~compensation system.~~

4 ~~The committee shall be composed of eleven members, which shall be appointed as follows: two members appointed by the~~  
5 ~~Governor; two members appointed by the President Pro Temporary of the Senate; two members appointed by the Speaker of the~~  
6 ~~House of Representatives; two members appointed by the Chairman of the Senate Finance Committee; two members appointed by~~  
7 ~~the Chairman of the House Ways and Means Committee; and one member appointed by the SC State Employees Association. The~~  
8 ~~members shall elect a chairman at the first meeting of the committee.~~

9 ~~No later than six months after the date from which a vendor contract has been signed, the committee shall prepare and deliver a~~  
10 ~~report and recommendation to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means~~  
11 ~~Committee.~~

12 ~~Staff for the committee shall be provided by the Senate Finance Committee and the House Ways and Means Committee. Members~~  
13 ~~of the study committee shall serve without compensation for per diem, mileage, and subsistence.~~

14 **93.29.** (DOA: Office of Victim Assistance) For the current fiscal year, The State Office of Victim Assistance may enter into  
15 memoranda of agreement with third-party victim service providers to secure emergency medical, transportation, or other crisis  
16 stabilization services on a reimbursable basis. Such agreements shall not allow for more than eight percent of the total reimbursement  
17 to cover a provider's administrative, marketing, and advocacy costs. Annually, and no later than October first of each year, the State  
18 Office of Victim Assistance shall report to the Governor, the Chairman of Senate Finance Committee, and the Chairman of House  
19 Ways and Means Committee on the performance of third-party providers and the use of funds authorized pursuant to this provision  
20 in the prior fiscal year.

21 **93.30.** (DOA: Emerging Leaders Program) (A) With the funds appropriated to the Office of Human Resources, the Department  
22 of Administration shall establish an Emerging Leaders Program (ELP) that is designed to identify and develop the next generation  
23 of South Carolina state government's leaders by attracting and/or retaining imminent or recent graduates of relevant post-  
24 baccalaureate programs to careers in public service. In order to cultivate effective and innovative leaders with demonstrated problem-  
25 solving capabilities, the program shall be cohort-based and require participants to complete rotations in a variety of functional roles  
26 that focus on budgeting, policymaking, operations/service delivery, and other appropriate/elective fields. These rotations shall be  
27 augmented by and interspersed with classroom-based modules on organizational behavior, decision-making processes, principles of  
28 leadership, and other appropriate topics. The program's ultimate design shall reflect the department's assessment of best practices in  
29 both public-sector and private-sector management and/or leadership development programs.

30 (B) Plans for the program shall be completed in time for the first cohort of participants to be selected by June 30, ~~2016~~ 2017.

31 **93.31.** (DOA: Union County Bus Shop) ~~Notwithstanding any other provision of this act, the Division of General Services,~~  
32 ~~Department of Administration, must distribute the proceeds from the sale of the Union County Bus Shop equally to Union County~~  
33 ~~School District and Union County.~~

34 **93.32.** (DOA: Sale of Port Royal) (A) Within thirty days of the transfer of the real and personal property at Port Royal to the  
35 Department of Administration pursuant to Section 54-3-700 of the 1976 Code, from the funds appropriated to the department, the  
36 department must order a new appraisal for the property, which shall be the appraisal to which Section 54-3-700(C)(3) applies. The

1 appraisal must be conducted in strict accordance with Section 54-3-700(D), and the department, or the appraisal itself, must  
2 demonstrate that the appraisal was conducted accordingly. Upon the completion of the appraisal, the department must publish the  
3 appraisal, in its entirety, on the website maintained by the department. Also, the department shall make the appraisal available to  
4 any interested party.

5 (B) Beginning on the first day of the first month beginning thirty days after the completion of the appraisal, the department shall  
6 list the property for sale at public auction. The auction shall close ninety days thereafter. If the department is unable to close the  
7 sale of the property to the highest qualifying bidder, the department must sell the property to the second highest qualifying bidder if  
8 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  
9 highest qualifying bidder, the department shall continue this process until it has exhausted all qualifying bidders. For purposes of  
10 this section, a qualifying bid is a bid that meets the requirements of Section 54-3-700(C)(3).

11 (C) Upon the transfer of the real and personal property at Port Royal to the Department of Administration pursuant to Section 54-  
12 3-700, the State Ports Authority, and any of its representatives, are divested of any authority, control, jurisdiction, or legal standing  
13 in regards to the property.

14 93.33. (DOA: Confederate Relic Room Relocation Analysis) From the funds appropriated or authorized to the department, the  
15 Department of Administration shall conduct an analysis of available building space in the Charleston area sufficient in size to house  
16 the Confederate Relic Room and Military Museum. If available property with sufficient space is identified, the department shall  
17 prepare an estimate of the cost to relocate the Confederate Relic Room and Military Museum from its current location to the available  
18 space in the Charleston area. The department shall present its analysis to the Governor, the Chairman of the Senate Finance  
19 Committee, and the Chairman of the House Ways and Means Committee by January 10, 2017.  
20

21 **SECTION 94 - D250 - OFFICE OF INSPECTOR GENERAL**

22  
23 **94.1.** (SIG: Coordination with State Auditor) The State Inspector General will prepare an annual report to the Chairmen of the  
24 House Ways and Means Committee and the Senate Finance Committee and the Governor detailing all written referrals of fraud,  
25 waste, and abuse from the State Auditor and all corresponding actions taken by the State Inspector General.  
26

27 **SECTION 95 - E040 - OFFICE OF THE LIEUTENANT GOVERNOR**

28  
29 **95.1.** (LTG: State Matching Funds Carry Forward) Any unexpended balance on June thirtieth of the prior fiscal year of the  
30 required state matching funds appropriated in Part IA, Section 95, Distribution to Subdivisions, shall be carried forward into the  
31 current fiscal year to be used as required state match for federal funds awarded to subdivisions on or before September thirtieth of  
32 the current fiscal year.

33 **95.2.** (LTG: State Match Funding Formula) Of the state funds appropriated under “Distribution to Subdivisions”, the first  
34 allocation by the Office on Aging shall be for the provision of required State matching funds according to the Office on Aging  
35 formula for distributing Older Americans Act funds. The balance of this item shall be distributed to the planning and service areas



1 of the State. In the event state appropriations are reduced, reductions to the planning and service areas shall be based on amounts  
2 distributed in accordance with the previous requirements.

3 **95.3.** (LTG: Registration Fees) The Office on Aging is authorized to receive and expend registration fees for educational,  
4 training and certification programs.

5 **95.4.** (LTG: Council Meeting Requirements) The duties and responsibilities, including the statutory requirement to hold  
6 meetings of the Coordinating Council established pursuant to Section 43-21-120 and of the Long Term Care Council established  
7 pursuant to Section 43-21-130, both under the Office on Aging in the Office of the Lieutenant Governor, are suspended for the  
8 current fiscal year.

9 **95.5.** (LTG: Home and Community-Based Services Carry Forward) Unexpended funds from appropriations to the Lieutenant  
10 Governor's Office on Aging for Home and Community-Based Services shall be carried forward from the prior fiscal year and used  
11 for the same purpose.

12 **95.6.** (LTG: Geriatric Loan Forgiveness Program) In lieu of quarterly payments to a recipient of the Geriatric Loan Forgiveness  
13 Program, the Lieutenant Governor's Office on Aging is authorized to make a single lump sum payment to the lending institution of  
14 up to \$35,000 or the loan balance, whichever is less.

15 Any unexpended balance on June thirtieth of the prior fiscal year of funds appropriated in Part IA, Section 95, Geriatric Physician  
16 Loan Program, shall be carried forward and used for the same purpose as originally appropriated.

17 **95.7.** (LTG: Referring Agency) The Lieutenant Governor's Office on Aging shall serve as a "referring agency" to the fourteen  
18 Community Action Agencies (CAAs) in South Carolina and to the Governor's Office of Executive Policy and Programs, Office of  
19 Economic Opportunity for services for the elderly population. The Governor's Office of Executive Policy and Programs shall provide  
20 a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by September  
21 first on all referrals received from the Lieutenant Governor's Office on Aging in the prior fiscal year and on the status of the referrals.

22 **95.8.** (LTG: Caregivers Carry Forward) Unexpended funds from appropriations to the Lieutenant Governor's Office on Aging  
23 for caregivers shall be carried forward from the prior fiscal year and used for the same purpose.

24 **95.9.** (LTG: Vulnerable Adult Guardian ad Litem Carry Forward) Any unexpended funds from appropriation to the Lieutenant  
25 Governor's Office on Aging for the Vulnerable Adult Guardian ad Litem Program shall be carried forward from the prior fiscal year  
26 and used for the same purpose.

27  
28 **SECTION 96 - E080 - OFFICE OF SECRETARY OF STATE**

29  
30 **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  
31 retained by the Secretary of State for purposes of UCC administration.

32 **96.2.** (SS: Charitable Funds Act Disclosure Violations) The Secretary of State shall refer to the Attorney General for  
33 investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the  
34 mandatory disclosure requirements of Section 33-56-90 of the Act, and who has been fined \$10,000 or more for those violations.

1     **96.3.** (SS: Charitable Funds Act Misrepresentation Violations) The Secretary of State shall refer to the Attorney General for  
2 investigation under Section 33-56-145 of the Solicitation of Charitable Funds Act any person who is alleged to have violated the  
3 misrepresentation provisions of Section 33-56-120 of the Act, and who has been fined \$10,000 or more for those violations.  
4

5     **SECTION 97 - E120 - OFFICE OF COMPTROLLER GENERAL**  
6

7     **97.1.** (CG: Signature Authorization) The Comptroller General is hereby authorized to designate certain employees to ~~sign~~  
8 approve, in his stead, ~~warrants drawn against the State Treasurer~~ disbursement documents authorizing payment, and the State  
9 Treasurer is hereby authorized to accept such ~~signatures~~ approved disbursement documents when notified by the Comptroller  
10 General. This provision shall in no way relieve the Comptroller General of responsibility.

11     **97.2.** (CG: GAAP Implementation & Refinement) It is the intent of the General Assembly that the State of South Carolina issue  
12 financial statements in conformance with Generally Accepted Accounting Principles (GAAP). To this end, the Comptroller General  
13 is directed, as the State Accounting Officer, to maintain an Enterprise Information System for State Government (SCEIS) that will  
14 result in proper authorization and control of agency expenditures, including payroll transactions, and in the preparation and issuance  
15 of the official financial reports for the State of South Carolina. Under the oversight of the General Assembly, the Comptroller  
16 General is given full power and authority to issue accounting policy directives to state agencies in order to comply with GAAP. The  
17 Comptroller General is also given full authority to conduct surveys, acquire consulting services, and implement new procedures  
18 required to implement fully changes required by GAAP.

19     **97.3.** (CG: Payroll Deduction Processing Fee) There shall be a fee for processing payroll deductions, not to exceed ~~twenty~~  
20 twenty-five cents, for insurance plans, credit unions, deferred compensation plans, benefit providers, and professional associations  
21 per deduction per pay day. This fee shall not be applied to charitable deductions. Vendors and other third parties receiving payroll  
22 deductions shall bear the entire cost of this fee, at no cost to state employees. The revenues generated from these fees and those  
23 provided for child support deductions in accordance with Section 63-17-1460(C), South Carolina Code of Laws, 1976, as amended,  
24 may be used to support the operations of the Office of Comptroller General and any unexpended balance may be carried forward  
25 from the prior fiscal year to the current fiscal year and utilized for the same purposes.

26     **97.4.** (CG: Unemployment Compensation Fund Administration) The lesser of two percent or \$200,000 of the fund balance of  
27 the Unemployment Compensation Fund shall be paid out annually to the Office of Comptroller General to be used by that agency to  
28 recover the costs of administering the fund. The Unemployment Compensation Fund is provided for in Section 41-31-820, South  
29 Carolina Code of Laws, 1976, as amended. Any unexpended balance may be carried forward from the prior fiscal year to the current  
30 fiscal year and used for the same purposes.

31     **97.5.** (CG: Purchasing Card Rebate Program) The Office of Comptroller General is authorized to retain the first \$100,000 of  
32 rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates.

33     The funds retained may be used to support the operations of the Office of Comptroller General and any unexpended balance may  
34 be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purposes.

1     **SECTION 98 - E160 - OFFICE OF STATE TREASURER**  
2

3     **98.1.** (TREAS: Nat'l. Forest Fund - Local Govt. Compliance) In order to conform to federal requirements local governments  
4 receiving distributions of National Forest Fund revenues are required to report annually to the State Treasurer indicating compliance  
5 with authorized purposes.

6     **98.2.** (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the  
7 South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other functions  
8 of the State Treasurer's Office shall require the approval of the State Treasurer.

9     **98.3.** (TREAS: Investments) The State Treasurer may pool funds from accounts for investment purposes and may invest all  
10 monies in the same types of investments as set forth in Section 11-9-660.

11     **98.4.** (TREAS: Management Fees) The State Treasurer is authorized to charge a fee for the operating and management costs  
12 associated with the Local Government Investment Pool, the Deferred Compensation Program, the Tuition Prepayment Program, and  
13 the College Investment Program and is further authorized to retain and expend the fees to provide these services. The fees assessed  
14 may not exceed the cost of the provision of such services.

15     **98.5.** (TREAS: Investment Management Fees) Unless otherwise prohibited by law, the State Treasurer may charge a fee for the  
16 operating and management costs associated with the investment management and support operations of various state funds and  
17 programs, and further, may retain and expend the fees to provide these services. The fees assessed may not exceed the actual cost  
18 of the provision of these services or the earnings on these investments.

19     **98.6.** (TREAS: Debt Management Cost Allocation) Unless otherwise prohibited by law, the State Treasurer may charge actual  
20 costs associated with the administration and management of the indebtedness of the State, its agencies and institutions, and further,  
21 may retain and expend any amounts so allocated to provide these services. Costs associated with the original issuance of bonds and  
22 other indebtedness must be assessed on an hourly basis, must be taken from the costs of issuance of any bond issue or other  
23 indebtedness, and must not exceed the actual cost of providing these services. Ongoing costs of administration and maintenance  
24 must be assessed against expenses of debt service, and must not exceed the actual costs of providing these services.

25     **98.7.** (TREAS: Withheld Accommodations Tax Revenues) Before noncompliant expenditures and penalties withheld pursuant  
26 to Sections 6-4-35(B)(1)(a) and (b) are reallocated, the Tourism Expenditure Review Committee must certify to the Office of State  
27 Treasurer that the time period for an appeal of the committee's action to the Administrative Law Court has expired or that the action  
28 of the committee has been upheld or overturned by the Administrative Law Court. Noncompliant expenditures and penalties withheld  
29 must be reallocated annually after August first. Allocations withheld must be reallocated proportionately based on the most recent  
30 completed fiscal year's total statewide collections of the accommodations tax revenue according to the Office of State Treasurer  
31 records. Each annual reallocation of withheld funds to non-offending counties and municipalities must be calculated separately then  
32 combined if necessary. Each reallocation to a county or municipality calculated less than a dollar must be transferred to the General  
33 Fund of the State.

34     **98.8.** (TREAS: Tuition Prepayment Program) The South Carolina Tuition Prepayment Program shall not accept any new  
35 enrollment in the current fiscal year. The annual increase in tuition for the purposes of the Tuition Prepayment Program, for an  
36 institution cannot exceed seven percent per year from the 2006-07 level. To the extent that actual tuition for an institution exceeds

1 an annual growth of seven percent per year since Fiscal Year 2006-07, colleges and universities must grant a waiver of the difference  
2 to the designated beneficiary and shall not pass along this difference to any student.

3 **98.9.** (TREAS: Penalties for Non-reporting) If a municipality fails to submit the audited financial statements required under  
4 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  
5 must withhold all state payments to that municipality until the required audited financial statement is received.

6 If the State Treasurer receives an audit report from either a county or municipality that contains a significant finding related to  
7 court fine reports or remittances to the Office of State Treasurer, the requirements of Proviso 117.51 shall be followed if an amount  
8 due is specified, otherwise the State Treasurer shall withhold twenty-five percent of all state payments to the county or municipality  
9 until the estimated deficiency has been satisfied.

10 If a county or municipality is more than ninety days delinquent in remitting a monthly court fines report, the State Treasurer shall  
11 withhold twenty-five percent of state funding for that county or municipality until all monthly reports are current.

12 After ninety days, any funds held by the Office of State Treasurer will be made available to the State Auditor to conduct an audit  
13 of the entity for the purpose of determining an amount due to the Office of State Treasurer, if any.

14 **98.10.** (TREAS: Signature Authorization) The State Treasurer is hereby authorized to designate certain employees to sign  
15 payments for the current fiscal year in accordance with Section 11-5-140 of the 1976 Code to meet the ordinary expenses of the  
16 State. This provision shall in no way relieve the State Treasurer of responsibility.

17 **98.11.** (TREAS: Unclaimed Property) The State Treasurer may not expend funds to retain a third party, private sector auditor, or  
18 auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any  
19 basis other than an hourly basis, with the exception that the State Treasurer may join other state(s) in multi-state contingent fee  
20 auditors' examinations, not to include companies whose parent company is headquartered or incorporated in South Carolina, when  
21 there is a reason to believe that those companies being audited are holding funds belonging to South Carolina citizens. The Office  
22 of State Treasurer shall retain \$200,000 from the Unclaimed Property Program for the sole purpose of employing internal compliance  
23 auditors to enforce the Unclaimed Property Act.

24 **98.12.** (TREAS: Identity Theft Reimbursement Fund) ~~(A) There is established in the State Treasury the Department of Revenue~~  
25 ~~Identity Theft Reimbursement Fund which must be maintained separately from the general fund of the State and all other funds. The~~  
26 ~~proceeds of the fund must be utilized to reimburse eligible expenses incurred by an eligible person. The obligation to reimburse~~  
27 ~~claims pursuant to this section does not arise until monies are credited to the fund, and only to the extent that monies are credited to~~  
28 ~~the fund. Any monies remaining in the fund at the end of the fiscal year shall be retained, carried forward, and expended for the~~  
29 ~~same purpose.~~

30 ~~(B) A person seeking reimbursement from the fund must file with the Treasurer a claim on a form prescribed by him and verified~~  
31 ~~by the claimant. The Treasurer shall consider each claim within ninety days after it is filed and give written notice to the claimant if~~  
32 ~~the claim is denied in whole or in part. If a claim is allowed, the Treasurer shall reimburse the eligible person in an amount equal to~~  
33 ~~his eligible expenses subject to availability of monies in the fund. The decision by the Treasurer regarding a claim is a final agency~~  
34 ~~decision that may be appealed to the Administrative Law Court pursuant to the Administrative Procedures Act naming the Treasurer~~  
35 ~~as the defendant. The action must be brought within ninety days after the Treasurer's decision or within one hundred eighty days~~  
36 ~~after the filing of the claim if he has failed to act on it.~~

1       ~~(C) The State Treasurer shall set forth policies and make the necessary determinations to implement the provisions of this section,~~  
2 ~~including the disbursal of proceeds of the fund.~~

3       ~~(D) For the purposes of this provision:~~

4           ~~(1) 'Eligible person' shall mean a person whose personally identifiable information was obtained by a third party from a~~  
5 ~~compromised computer system maintained by a state agency, board, committee, or commission.~~

6           ~~(2) 'Eligible expenses' shall mean financial losses incurred by an eligible person directly related to the misappropriation of~~  
7 ~~the eligible person's personally identifiable information that was obtained by a third party from a compromised computer system~~  
8 ~~maintained by a state agency, board, committee, or commission. Expenses for services provided by private entities to assist eligible~~  
9 ~~persons with financial losses are not eligible expenses to the extent such services are offered through the State or a state supported~~  
10 ~~program free of charge.~~

11           ~~(3) 'Financial losses' shall mean actual losses, including, but not limited to, lost wages, costs incurred by an eligible person~~  
12 ~~related to correcting his credit history or credit rating, or costs or judgments related to any criminal, civil, or administrative proceeding~~  
13 ~~brought against the eligible person resulting from the misappropriation of the victim's personally identifiable information not~~  
14 ~~recovered from any other source. Costs associated with the purchase of identity theft protection and identity theft resolution services~~  
15 ~~are not financial losses.~~

16           ~~(4) 'Identity theft protection' means identity fraud and protection products and services that attempt to proactively detect,~~  
17 ~~notify, or prevent unauthorized access or misuse of a person's identifying information or financial information to fraudulently obtain~~  
18 ~~resources, credit, government documents or benefits, phone or other utility services, bank or savings accounts, loans, or other benefits~~  
19 ~~in the person's name.~~

20           ~~(5) 'Identity theft resolution services' means products and services that attempt to mitigate the effects of identity fraud after~~  
21 ~~personally identifiable information has been fraudulently obtained by a third party, including, but not limited to, identity theft~~  
22 ~~insurance and other identity theft resolution services that are designed to resolve actual and potential identity theft and related matters.~~

23           ~~(6) 'Person' shall mean an individual, corporation, firm, association, joint venture, partnership, limited liability corporation,~~  
24 ~~or any other business entity.~~

25           ~~(7) 'Personally identifiable information' means information that can be used to uniquely identify, contact, or locate a single~~  
26 ~~person or can be used with other sources to uniquely identify a single individual, including, but not limited to, social security numbers,~~  
27 ~~debit card numbers, and credit card numbers.~~

28       **98.13.** (TREAS: Municipality Accommodations Tax Withholdings) If the State Treasurer is withholding accommodations tax  
29 revenue distributions to a municipality due to an expenditure the Tourism Expenditure Review Committee determined to be in  
30 noncompliance, then the municipality may refund an amount equivalent to the amount determined to be in noncompliance to the  
31 municipality's accommodations tax fund from the municipality's general fund. If the municipality certifies to the Tourism  
32 Expenditure Review Committee that the amount has been refunded, the State Treasurer shall refund the withheld funds to the  
33 municipality's general fund. The expenditure of funds refunded to the municipality's accommodations tax fund and any subsequent  
34 expenditures are subject to review by the Tourism Expenditure Review Committee. Prior to notification to the State Treasurer of  
35 noncompliance by a municipality, the Tourism Expenditure Review Committee must notify the municipality if an expenditure is  
36 found to be in noncompliance. If the committee informs the municipality of an expenditure determined to be in noncompliance and

1 the municipality does not refund the noncompliant amount, the committee shall certify the noncompliance to the State Treasurer. If  
2 the committee determines an expenditure of any refunded amount to be in noncompliance, the municipality may not refund an  
3 equivalent amount in order to avoid future withholdings.

4 **98.14.** (TREAS: Early Literacy Partnership) ~~The State Treasurer's Office is directed to transfer all the funds from Subfund 4019~~  
5 ~~Governor's Teaching School Loan Program to Save the Children for the statewide partnership with local public schools to serve~~  
6 ~~children ages 3-12 in areas of persistent rural poverty through early childhood literacy development. Services, directly or indirectly,~~  
7 ~~are intended to support each school's efforts in supporting pre-kindergarten and kindergarten readiness, accelerating the literacy~~  
8 ~~achievement of children currently reading below grade level and in increasing reading proficiency of struggling readers to ensure all~~  
9 ~~children have the literacy skills they need to succeed. Measured success of the partnerships must be provided to the General~~  
10 ~~Assembly no later than June thirtieth of the current fiscal year. Funds transferred to Save the Children may be carried forward.~~

## 11 12 SECTION 99 - E190 - RETIREMENT SYSTEM INVESTMENT COMMISSION

13  
14 **99.1.** (RSIC: Retirement Investment Commission Audit) For Fiscal Year ~~2015-16~~ 2016-17, the provisions of Section 9-16-380  
15 requiring the Inspector General to employ a private audit firm to perform the fiduciary audit on the Retirement System Investment  
16 Commission as required by Section 9-16-380 of the 1976 Code shall be suspended. Any savings generated by not conducting the  
17 audit shall be used to conduct audits required by Section 9-4-40 of the 1976 Code.

18 **99.2.** (RSIC: Semi-Annual Meetings) The Retirement System Investment Commission shall be required to appear before the  
19 House Ways and Means Committee's, Legislative, Executive and Local Government Subcommittee on a semi-annual basis at the  
20 request of the subcommittee. The purpose of the meeting shall include, but not be limited to, the review of quarterly investment  
21 reports and agency operations.

22 **99.3.** (RSIC: Administrator Retention) The Retirement System Investment Commission shall retain twenty-five percent of the  
23 annual amount invoiced for its third-party administrator system for the purpose of ensuring the performance of the third-party  
24 administrator. The funds must be held in a retainage account and may only be distributed after verification of satisfactory  
25 performance by the Investment Commission and Procurement Services pursuant to the service agreement with the third-party  
26 administrator. All undistributed funds in the retainage account may be carried forward from the prior fiscal year and used for the  
27 same purpose.

## 28 29 SECTION 100 - E240 - OFFICE OF ADJUTANT GENERAL

30  
31 **100.1.** (ADJ: Unit Maintenance Funds) The funds appropriated as unit maintenance funds shall be distributed to the various  
32 National Guard units at the direction of the Adjutant General.

33 **100.2.** (ADJ: Revenue Collections) All revenues collected by National Guard units from county and city appropriations, vending  
34 machines, rental of armories, court martial fines, federal reimbursements to armories for utility expenses, and other collections may  
35 be retained and expended in its budgeted operations.

1       **100.3.** (ADJ: Rental Fee for Election Purposes) The maximum fee that an armory may charge for the use of its premises for  
2 election purposes shall be the cost of providing custodial services, utilities and maintenance.

3       **100.4.** (ADJ: Parking Lot Revenues) Notwithstanding other provisions of this act, as a security measure for the State Military  
4 Department's headquarters building and grounds, the Adjutant General may control and contractually lease the headquarters building  
5 parking facilities, during events at the University of South Carolina's Williams-Brice Stadium, to a state chartered and federally  
6 recognized 501(c)(4) tax exempt agency employees' association who may then sub-lease individual parking spaces. Such a contract  
7 must require the employees association to obtain liability insurance against wrongful death or injury. The contract must clearly hold  
8 the Adjutant General's Office, its officers, and the State of South Carolina harmless from any liability resulting from the use of the  
9 parking lot when rented by the employees association. In addition, the contract must specify that the State of South Carolina's  
10 Military Department shall receive no less than thirty-three percent of the gross profits from the sub-leasing of the parking spaces.  
11 The contract must allow the State to audit the employees association's funds. Funds at the Adjutant General's Office derived wholly  
12 from the rental of Adjutant General's headquarters' parking lot may be retained at the Adjutant General's Office, but may not be  
13 used for employee perquisites.

14       **100.5.** (ADJ: Armory Rental Program) The Adjutant General is authorized to develop and implement an armory rental program  
15 to recoup costs associated with the use of armories by state agencies or other non-Guard organizations. The rental program must be  
16 uniform in its application to the maximum extent possible. Funds generated by this program may be retained and expended for  
17 armory maintenance and operations.

18       **100.6.** (ADJ: Meals in Emergency Operations Centers) The cost of meals, or the advanced purchase of food products to be stored  
19 and prepared for meals, may be provided to state employees who are required to work at the State Emergency Operations Centers  
20 during actual emergencies and emergency simulation exercises when they are not permitted to leave their stations.

21       **100.7.** (ADJ: Educational Seminar Revenue) All revenue earned from educational seminars shall be retained by the agency to be  
22 used for the printing of materials and other expenses related to conducting the seminars. The balance of funds shall be reported  
23 annually to the General Assembly.

24       **100.8.** (ADJ: Retention of Lease Property Revenue) The Adjutant General is authorized to lease all real property under the control  
25 of SCMD. All revenue generated by the lease program may be retained for SCMD armory operations and maintenance as authorized  
26 by the Adjutant General or Deputy Adjutant General.

27       **100.9.** (ADJ: Billeting and Dining Facility Operations) All revenues collected by the Billeting and Dining Facility operations at  
28 the R.L. McCrady Training Center shall be retained and expended in their budgeted operations or be expended in support of SCMD  
29 operations, including use for matching federal funds, and armory maintenance and operations. Expenditures from these funds shall  
30 be determined by the Billeting Committee for Billeting operations and the Deputy Adjutant General for state operations for the  
31 Dining Facility operation.

32       **100.10.** (ADJ: EMD Compensatory Payment) In the event a State of Emergency is declared by the Governor, exempt employees  
33 of the Emergency Management Division may be paid for actual hours worked in lieu of accruing compensatory time, at the discretion  
34 of the Agency Director, and providing funds are available.

35       **100.11.** (ADJ: Civil Air Patrol) The funds appropriated in this section for the Civil Air Patrol shall be expended by the Civil Air  
36 Patrol so as to discharge the state's obligations in conjunction with the Civil Air Patrol as outlined in the SARDA Plan, the South

1 Carolina Operational Radiological Emergency Response Plan, and to assist county and local authorities and other state agencies as  
2 permitted by the regulations governing the Civil Air Patrol. All expenditures for equipment and services shall be in accordance with  
3 state fiscal policies.

4 **100.12.** (ADJ: Parking Lot Revenues-Columbia Armory, Buildings and Grounds) The Adjutant General may control and  
5 contractually lease the Columbia Armory, and its buildings and grounds parking facilities during events at the University of South  
6 Carolina's Williams-Brice Stadium. Funds derived wholly from the rental of the Columbia Armory, and its buildings and grounds  
7 parking facilities may be retained by the Adjutant General's Office and used for the Funeral Caisson and for SCMD operations,  
8 including matching federal funds and armory maintenance and operations. These funds may not be used for any other purpose.

9 **100.13.** (ADJ: Emergency Commodities) The Emergency Management Division shall be allowed to rotate and replace water,  
10 Meals Ready to Eat (MREs), and other essential emergency commodities housed in the state's Logistic Center through the provision  
11 of said commodities to neighboring states, counties, municipalities and other state agencies, and shall be allowed to accept  
12 compensation for said commodities not to exceed replacement costs. Revenues from this exchange shall be utilized solely for the  
13 replacement of state emergency commodities.

14 **100.14.** (ADJ: Funeral Caisson) In the event of a mandated general fund budget reduction, the Adjutant General's Office is  
15 prohibited from reducing the funds appropriated for the Funeral Caisson. In addition, these funds shall not be transferred to any  
16 other program or be used for any other purpose by the Office of Adjutant General.

17 **100.15.** (ADJ: Behavioral Health Care Facilitator/Coordinator) The funds appropriated and or authorized to the Office of the  
18 Adjutant General may be utilized to hire a Behavioral Health Care Facilitator/Coordinator who shall act as a liaison to provide mental  
19 health care coordination for mental health services to all members of the South Carolina National Guard. The responsibilities of the  
20 position shall include, but are not limited to, focusing on individuals without health insurance or without adequate health insurance;  
21 facilitating Memorandum of Understanding with mental health facilities across the state to provide assistance to National Guard  
22 Service Members; assisting in coordinating Yellow Ribbon and Beyond and other post deployment and mental health events;  
23 coordinating treatment for Service Members for conditions that may or may not result in their being medically non deployable; and  
24 participating in staff meetings to discuss care of Service Members. The individual hired must be knowledgeable of state and federal  
25 privacy laws, including the HIPAA privacy regulations. In addition, it is preferred that the individual have a previous background  
26 in Social Work. A national security background check must be performed on the individual prior to a job offer being tendered.

27 **100.16.** (ADJ: National Guard State Active Duty) In the event of the activation of the South Carolina National Guard to State  
28 Active Duty by the Governor in a Declaration of State Emergency (including Emergency Management Assistance Compact  
29 (EMAC)), the State Treasurer and the Comptroller General are hereby authorized and directed to pay from the general fund of the  
30 State such funds as necessary, not to exceed \$500,000, to cover the actual costs incurred for personnel, travel, and per diem costs,  
31 and the Operational Tempo costs for equipment from the U.S. Property and Fiscal Office. EMAC and any Federal monies from a  
32 Declared Federal Emergency reimbursed to the state shall be deposited in the state general fund, up to the amount of funds advanced  
33 to the South Carolina National Guard for the Declared State of Emergency.

34 **100.17.** (ADJ: National Guard Association and Foundation Support) From the funds authorized or appropriated for State Military  
35 Department operations, the Adjutant General may authorize National Guard personnel to support and assist the National Guard



1 Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety,  
2 education, and welfare of South Carolina National Guard personnel and their families.

3 **100.18.** (ADJ: State Guard Activation) In the event of activation of the State Guard of the South Carolina National Guard to  
4 State Active Duty, the Office of the Adjutant General is authorized to compensate State Guard personnel at a rate of \$150 per day  
5 and to also compensate such personnel for meal per diem as authorized by National Guard and State policy.  
6

## 7 SECTION 101 - E280 - ELECTION COMMISSION

8

9 **101.1.** (ELECT: County Boards of Voter Registration and Elections Compensation) The amounts appropriated in this section for  
10 “County Boards of Voter Registration and Elections Commissioners,” shall be disbursed annually to the County Treasurer at the rate  
11 of \$1,500 for each member, not to exceed \$12,500 per county. The County Treasurer shall use these funds only for the compensation  
12 of County Boards of Voter Registration and Elections Commissioners. Any funds not used for this purpose shall be returned to the  
13 State Treasurer. These funds are exempted from mandated budget reductions. In addition, in the calculation of any across the board  
14 agency base reductions mandated by the Executive Budget Office or the General Assembly, the amount of funds appropriated for  
15 compensation of County Boards of Voter Registration and Elections Commissioners shall be excluded from the agency’s base budget.

16 **101.2.** (ELECT: Elections Managers & Clerks Per Diem) Managers and clerks of state and county elections shall receive a per  
17 diem of \$60.00; but managers shall not be paid for more than two days for any election and clerks for not more than three days for  
18 any election. The commission may adjust the per diem of \$60.00 for the managers and clerks of the statewide election to a higher  
19 level only to the extent that the appropriation for the statewide election is sufficient to bear the added cost of increasing the per diem  
20 and the cost of the statewide election. Up to three additional managers per county may be appointed to assist county boards of voter  
21 registration and elections with the absentee/fail safe voting process prior to, on Election Day, and immediately following statewide  
22 elections. Managers assisting the county boards of voter registration and elections in the absentee/fail safe process may receive a  
23 per diem of \$60.00 per day for not more than a total of fifteen days regardless of whether one, two, or three additional managers are  
24 used.

25 **101.3.** (ELECT: Board of State Canvassers Compensation) \$100.00 additional compensation per day may be paid to each member  
26 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  
27 State Canvassers.

28 **101.4.** (ELECT: Sale of Lists Revenue Carry Forward) Any revenue generated from the sale of election lists may be retained and  
29 expended by the South Carolina Election Commission to reimburse the Department of Administration, for the printing of such lists  
30 and to pay expenses of postage and shipment of these lists to electors who purchase them. After such reimbursement has been made  
31 an amount, not to exceed \$400,000, shall be used for nonrecurring expenses in conjunction with extraordinary special election and  
32 legal costs and costs for upgrading the Statewide Voter Registration System. Any balance in the Sale of Lists Account on June  
33 thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year.

34 **101.5.** (ELECT: Budget Reduction Exemption) Funds appropriated for recurring and nonrecurring general and primary election  
35 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 ~~or commission~~ member  
18 completes the training and certification program, but fails to complete at least one training course per year. The board ~~or commission~~  
19 member and members of that county's legislative delegation will be notified of the withholding of the stipend and the requirements  
20 needed to bring the member into compliance with the law. If a board ~~or commission~~ member cannot complete the program or  
21 complete the required continuing education due to extenuating circumstances, the board ~~or commission~~ member must submit a  
22 written request to the county legislative delegation for approval or funds will continue to be withheld as described in this proviso. If  
23 a board ~~or commission~~ member does not become compliant with the law within eighteen months of initial notification of stipend  
24 withholding, the county's legislative delegation must replace that person on the board ~~or commission~~.

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: Help America Vote Act) Of funds appropriated to the commission for primary and general elections, the  
33 commission shall utilize any excess funds to match the Help America Vote Act program to the greatest extent possible, and also  
34 ensure compliance with the Uniformed and Overseas Citizens Absentee Voting Act of 1986.

35 **101.10.** (ELECT: HAVA Carry Forward) The Election Commission shall be authorized to carry forward unexpended Help  
36 America Vote Act funds into the current fiscal year and to use these funds for the same purpose.

1       **101.11.** (ELECT: HAVA Match Funds) Funds appropriated through the General Fund for the purpose of providing a match for  
2 federal funds received through the Help America Vote Act (HAVA) shall be moved to a restricted account in order that the funds  
3 may accrue interest as per Section 254 (b) (1) of the Help America Vote Act.

4       **101.12.** (ELECT: Use of Election Funds) Funds appropriated to the Election Commission for the purpose of conducting elections  
5 shall not be used for any other purpose unless specifically authorized in this act. However, up to \$200,000 may be transferred to  
6 other operating accounts from General Election accounts upon approval from the Executive Budget Office, which shall then notify  
7 the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor of such  
8 transfer of funds.

9  
10       **SECTION 102 - E500 - REVENUE AND FISCAL AFFAIRS OFFICE**

11  
12       **102.1.** (RFAO: Geodetic Mapping Program) Funds appropriated or authorized to the Revenue and Fiscal Affairs Office for  
13 Mapping, shall be used to clarify county boundary determinations as directed by Section 27-2-105, of the 1976 Code and resolution  
14 of the boundary between the states of South Carolina and North Carolina.

15       An affected party disagreeing with a county boundary certified by the Revenue and Fiscal Affairs Office may appeal the  
16 certification to the South Carolina Administrative Law Court, which is vested with jurisdiction to hear and decide the case subject to  
17 the provisions of Section 1-23-380 of the 1976 Code, except that the case must be heard ‘de novo.’ Additionally, for purposes of  
18 determining the timelines of an appeal, notice is deemed to have been provided on the date of the written notice to affected parties.  
19 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  
20 Administrative Law Court.

21       **102.2.** (RFAO: Election File Merge) In order to assist the County Registration and Election Commissions to ensure that registered  
22 voters are assigned to proper election districts, the Revenue and Fiscal Affairs Office, in conjunction with the South Carolina Election  
23 Commission, shall merge the voter registration file with the office’s Geocoded Address List and the district boundaries of the  
24 Congress, South Carolina Senate, South Carolina House of Representatives, county councils, and such other districts as the office  
25 possesses official district boundary records in electronic format. The merged systems will allow the Revenue and Fiscal Affairs  
26 Office to provide the respective county officials with a list of potential voters who are possibly assigned to the wrong election district.  
27 File merger is required only for those districts in which elections are scheduled. Counties and municipalities shall release GIS to the  
28 Revenue and Fiscal Affairs Office upon the office’s written request. Written request must be sent to the chief administrative officer  
29 of the county or municipality and advise the county or municipality that failure to comply within thirty days of request may result in  
30 the withholding of ten percent of the county’s or municipality’s state aid. The Executive Director of the Revenue and Fiscal Affairs  
31 Office may grant additional time for good cause and must waive release if the county or municipality does not possess GIS data. For  
32 counties and municipalities that possess GIS data but do not release it, the Executive Director of the Revenue and Fiscal Affairs  
33 Office shall notify the State Treasurer of the failure to comply with this provision after the required notice. Notification shall result  
34 in the withholding of ten percent of subsequent payments of state aid to the entity until the GIS data is provided. Municipal and  
35 county data acquired by the Revenue and Fiscal Affairs Office in the course of performing its responsibilities may be used for other

1 functions of the office as well as shared with other state agencies. For this provision GIS data includes, but is not limited to, road  
2 centerlines; orthophotography; parcel boundaries; address points; political boundaries; and administrative boundaries.

3 **102.3.** (RFAO: SC Boundary Commission) There is hereby created the South Carolina Boundary Commission to be composed  
4 of seven members as follows: one member appointed by the President Pro Tempore of the Senate; one member appointed by the  
5 Speaker of the House of Representatives; one member appointed by the Chairman of the Senate Finance Committee; one member  
6 appointed by the Chairman of the House Ways and Means Committee; the Executive Director, or his designee, of the Revenue and  
7 Fiscal Affairs Office; the Director of the Department of Natural Resources, or his designee; and the technical advisor of the Geodetic  
8 and Mapping Survey Program appointed by the Executive Director of the Revenue and Fiscal Affairs Office who shall serve as the  
9 coordinator and chairman of the commission. The purpose of the commission is to work with the North Carolina Boundary  
10 Commission to oversee and approve work re-establishing the boundary between South Carolina and North Carolina.

11 The Executive Director of the Revenue and Fiscal Affairs Office is directed to submit a report to the Senate Finance Committee  
12 and the House Ways and Means Committee regarding the progress of re-establishing the South Carolina-North Carolina boundary  
13 within sixty days of the close of each fiscal year until such re-establishment is completed.

14 **102.4.** (RFAO: SC Health & Human Services Data Warehouse) There is hereby established within the Revenue and Fiscal Affairs  
15 Office, the South Carolina Health and Human Services Data Warehouse. The purpose of the Warehouse is to ensure that the operation  
16 of health and human services agencies may be enhanced by coordination and integration of client information. Client data is defined  
17 as person-level data that is created, received, and/or maintained by state agencies and other entities required to report client  
18 information to the Revenue and Fiscal Affairs Office under this provision. To integrate client information, client data from health  
19 and human services state agencies will be linked to improve client outcome measures, enabling state agencies to analyze coordination  
20 and continuity of care issues. The addition of these data will enhance existing agency systems by providing client data from other  
21 state agency programs to assist in the provision of client services. Certain client information shall be delivered to the Revenue and  
22 Fiscal Affairs Office in order to assist in the development and maintenance of this Warehouse. The following agencies shall report  
23 client information:

- 24 • Departments of:
  - 25 (1) Health and Human Services;
  - 26 (2) Health and Environmental Control;
  - 27 (3) Mental Health;
  - 28 (4) Alcohol and Other Drug Abuse Services;
  - 29 (5) Disabilities and Special Needs;
  - 30 (6) Social Services;
  - 31 (7) Vocational Rehabilitation;
  - 32 (8) Education;
  - 33 (9) Juvenile Justice;
  - 34 (10) Corrections;
  - 35 (11) Probation, Parole and Pardon Services;
- 36 • Department of Administration:

- 1           (1) Children’s Foster Care Review Board;
- 2           (2) Continuum of Care;
- 3           • Office of the Lieutenant Governor, Division on Aging;
- 4           • South Carolina School for the Deaf and the Blind;
- 5           • Commission for the Blind; and
- 6           • Other entities as deemed necessary by the Revenue and Fiscal Affairs Office.
- 7           These agencies and departments shall collect and provide client data in formats and schedules to be specified by the Revenue and
- 8           Fiscal Affairs Office (Office). The Office shall establish a Memorandum of Agreement with each agency, department or division.
- 9           These Memorandums of Agreement shall specify, but are not limited to, the confidentiality of client information, the conditions for
- 10          the release of data that may identify agencies, departments, divisions, programs and services, or clients, any restrictions on the release
- 11          of data so as to be compliant with state and federal statutes and regulations on confidentiality of data, conditions under which the
- 12          data may be used for research purposes, and any security measures to be taken to insure the confidentiality of client information.
- 13          To ensure accountability and the coordinated, efficient delivery of health and human services, the Office shall implement, in
- 14          consultation with state health and human services agencies and other entities as deemed necessary by the Office, an integrated data
- 15          system that includes client data from all participating agencies.
- 16          In order to provide for inclusion of other entities into the South Carolina Health and Human Services Data Warehouse and other
- 17          research and analytic-oriented applications that will assist the state in the efficient and effective provision of services, the Office shall
- 18          have the authority to enter into agreements or transactions with any federal, state or municipal agency or other public institution or
- 19          with any private individual, partnership, firm, corporation, association or other entity to provide statistical, research and information
- 20          dissemination services including, but not limited to, program and outcomes evaluation, program monitoring/surveillance, projects to
- 21          determine the feasibility of data collection and/or analyses, information dissemination and research. The confidentiality of data
- 22          collected under these initiatives shall comply with applicable state and federal laws governing the privacy of data. The Office shall
- 23          have the power to promulgate regulations, policies and procedures, in consultation with the participating agencies, for the
- 24          development, protection and operation of the Data Warehouse, other research and analytic-oriented applications, and their underlying
- 25          processes.
- 26          The Office shall develop internet-accessible secure analytic query tools (such as analytic cubes) using integrated client data from
- 27          the Warehouse. All agencies shall cooperate with the Office in the development of these analytic tools. It is the intent of this provision
- 28          that the analytic tools developed under this provision shall be made available to members of the South Carolina General Assembly
- 29          and their research staff members, state agencies, and researchers. To that end, the Office shall, in consultation with the participating
- 30          agencies, promulgate regulations addressing access to and use and release of information generated through use of the query tools.
- 31          All state agencies participating in the Warehouse shall utilize it and its associated software applications in the day-to-day operation
- 32          of their programs and for coordination, collaboration, program evaluation and outcomes analysis. The Department of Health and
- 33          Environmental Control shall be exempt from usage of the integrated client management system and the analytic query tools in the
- 34          day-to-day operation of their Client Automated Record and Encounter System and their South Carolina Community Assessment
- 35          Network, but shall provide the Warehouse with client data from the system and network.
- 36          No state agency shall duplicate any of the responsibilities of this provision.

1 For purposes of this subsection, all state laws, regulations, or any rule of any state agency, department, board, or commission  
2 having the effect or force of law that prohibits or is inconsistent with any provision of this subsection is hereby declared inapplicable  
3 to this subsection.

4 **102.5.** (RFAO: E911 PSAPs) The Revenue and Fiscal Affairs Office, utilizing the funds appropriated and or authorized herein  
5 for the E911 program, must ensure that any new plans or proposed amendments to existing plans maintain comprehensive coverage  
6 for the full Public Safety Answering Points area as well as improve cost effectiveness. No new plans or amendments may be  
7 considered by Revenue and Fiscal Affairs that do not include the written agreement of all jurisdictions affected by the new plan or  
8 proposed change as well as provide cost savings on the state and local level. Local Public Safety Answering Points are encouraged  
9 to cooperate to find ways to continue to improve cost effectiveness and efficiencies for all affected entities.

10 **102.6.** (RFAO: Revenue for Goods and Services) The respective sections of the Revenue and Fiscal Affairs Office are authorized  
11 to provide and receive from other governmental entities, including other divisions, state and local agencies and departments, and the  
12 private sector, goods and services, as will in its opinion promote efficient and economical operations. The sections may charge and  
13 pay the entities for the goods and services, the revenue from which shall be deposited in the state treasury in a special account and  
14 expended only for the costs of providing the goods and services, and such funds may be retained and be expended for the same  
15 purposes.

16 **102.7.** (RFAO: 911 Advisory Committee) For the current fiscal year, the Executive Director of the Revenue and Fiscal Affairs  
17 Office shall appoint an individual with technical or operational knowledge of E-911 systems to the South Carolina 911 Advisory  
18 Committee, which formerly had an appointment of a director of a division of the State Budget and Control Board, ex officio. In  
19 addition to the members designated to serve on the advisory committee, the Executive Director of the Revenue and Fiscal Affairs  
20 Office may appoint a designee to serve on the advisory committee on his behalf.

## 21 SECTION 104 - E550 - STATE FISCAL ACCOUNTABILITY AUTHORITY

22 **104.1.** (SFAA: Procurement of Art Objects) Before any governmental body, with the exception of the South Carolina Museum  
23 Commission, the Confederate Relic Room and Military Museum Commission, and the South Carolina Hunley Commission as  
24 defined under the South Carolina Consolidated Procurement Code, procures any art objects such as paintings, antiques, sculptures,  
25 or similar objects above \$1,000, the head of the Purchasing Agency shall prepare a written determination specifying the need for  
26 such objects and benefits to the State. The South Carolina Arts Commission shall review such determination for approval prior to  
27 any acquisition.

28 **104.2.** (SFAA: Vacant Positions) In the event that any permanent position in an agency remains vacant for more than twelve  
29 months the position may be deleted by the State Fiscal Accountability Authority.

30 **104.3.** (SFAA: Lawsuit Funding) The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the  
31 State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care  
32 litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a  
33 monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the  
34 provider of these services the amount certified.  
35  
36

1       **104.4.** (SFAA: Public Procurement Unit) For purposes of participation in the Minnesota Multi State Contracting Alliance for  
2 Pharmacy (MMCAP), a private, nonprofit corporation that provides only free medical care may be allowed to participate as a local  
3 public procurement unit in the MMCAP cooperative purchase. The participation of nonprofit corporations in the program is  
4 contingent upon approval of the Minnesota Multi-State Contracting Alliance for Pharmacy. Participating nonprofit corporations  
5 must comply with all applicable federal laws or regulations for participation in the MMCAP cooperative purchase. The state shall  
6 not be liable for any action or inaction of such a nonprofit corporation.

7       **104.5.** (SFAA: Insurance Coverage for Aging Entity Authorized) The State Fiscal Accountability Authority, through the  
8 Insurance Reserve Fund, for Fiscal Year ~~2015-16~~ 2016-17, is also authorized to offer insurance coverage to an aging entity and its  
9 employees serving clients countywide which previously obtained its tort liability insurance coverage through the board. The  
10 Insurance Reserve Fund and the State of South Carolina shall not be liable to any person or entity, including an insured, for any  
11 insufficiencies of coverage provided hereunder.

12       **104.6.** (SFAA: IRF Report) The State Fiscal Accountability Authority shall prepare a report on prior fiscal year utilization of the  
13 Insurance Reserve Fund to include for each transaction the amount, the recipient of the funds, the date of the transfer or payment,  
14 and the action or reason that necessitated the transfer. The report shall be submitted to the President Pro Tempore of the Senate, the  
15 Chairman of the Senate Finance Committee, the Speaker of the House of Representatives, and the Chairman of the House Ways and  
16 Means Committee by October fifteenth, of the current fiscal year.

17       **104.7.** (SFAA: Second Injury Fund Closure Plan) The State Fiscal Accountability Authority is authorized and empowered to take  
18 all necessary actions to administer the closure plan for the Second Injury Fund, as adopted pursuant to Section 42-7-320(A) of the  
19 1976 Code, as amended, and to use the separate and distinct trust and administrative accounts established for this purpose.

20       **104.8.** (SFAA: IT Planning Transfer) The State Fiscal Accountability Authority shall transfer \$400,000 from revenue generated  
21 from contract administration fees on information technology contracts to the Department of Administration to support the state's  
22 information technology planning program.

23       **104.9.** (SFAA: Attorneys) For the current fiscal year, during the transition of the Insurance Reserve Fund from the Budget and  
24 Control Board to the State Fiscal Accountability Authority, the Insurance Reserve Fund shall continue to approve the attorneys-at-  
25 law retained to defend those it insures.

26       **104.10.** *(SFAA: Compensation - Agency Head Salary) In the event of an agency head or technical college president vacancy, the*  
27 *governing board of the agency or the Governor, or the appointing authority of a technical college president, must have the prior*  
28 *favorable recommendation of the Agency Head Salary Commission to set, discuss, offer, or pay a salary for the agency head or*  
29 *technical college president at a rate that exceeds the minimum of the range established by the Agency Head Salary Commission. No*  
30 *agency head or technical college president shall be paid a salary higher than that recommended by the commission. Boards and*  
31 *commissions, or the Governor if he is the appointing authority, of newly created agencies or technical colleges shall not offer or pay*  
32 *a salary to a prospective agency head until a salary range has been established and the salary approved by the Agency Head Salary*  
33 *Commission. The funding of the salaries of any agency head or technical college president should come from resources within the*  
34 *agency. The State Fiscal Accountability Authority shall contract every four years for a study of agency head and technical college*  
35 *president compensation. The cost of the study must be shared by the participating agencies. The staff of the State Fiscal*  
36 *Accountability Authority shall serve as the support staff to the Agency Head Salary Commission. Limited only by the maximum of*

1 the respective salary range, the General Assembly authorizes the respective appointing authority for an agency head or technical  
2 college president to provide salary increases for an agency head or technical college president not to exceed that recommended by  
3 the Agency Head Salary Commission. No agency head or technical college president shall be paid less than the minimum of the pay  
4 range nor receive an increase that would have the effect of raising the salary above the maximum of the pay range.  
5

#### 6 SECTION 105 - F270 - SFAA, STATE AUDITOR'S OFFICE 7

8 **105.1.** (SFAA-AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit  
9 requirements of the Single Audit Act Amendments of 1996 and OMB Circular A-133, Audits of States, Local Governments and  
10 Nonprofit Organizations shall remit to the State Auditor an amount representing an equitable portion of the expense of contracting  
11 with a nationally recognized CPA firm to conduct a portion of the audit of the State's federal financial assistance.

12 Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such  
13 remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years. The State Auditor  
14 shall retain and expend the funds received and shall carry forward any unexpended funds from the prior fiscal year into the current  
15 fiscal year for the same purpose.

16 **105.2.** (SFAA-AUD: Medical Assistance Audit Carry Forward) The State Auditor's Office shall retain and expend the funds  
17 received from the Department of Health and Human Services for the Medical Assistance Audit Program pursuant to Proviso 33.3 of  
18 this act and shall carry forward any unexpended funds from the prior fiscal year into the current fiscal year for the same purpose.

19 **105.3.** (SFAA-AUD: Coordination with Inspector General) In the event the State Auditor's Office identifies instances of fraud,  
20 waste, and abuse during any state agency audit, the State Auditor shall refer such instances to the State Inspector General for  
21 examination. The State Auditor shall prepare and submit an annual report to the Chairmen of the House Ways and Means Committee  
22 and the Senate Finance Committee and the Governor detailing all written referrals of fraud, waste, and abuse submitted to the State  
23 Inspector General.

24 **105.4.** (SFAA-AUD: Annual Audit of Court Fees and Fines Reports) The State Auditor shall conduct a minimum of fifteen audits  
25 annually of county treasurers, municipal treasurers, county clerks of court, magistrates and/or municipal courts as required by Section  
26 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  
27 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  
28 Code. The State Auditor may contract with one or more CPA/accounting firms to conduct the required audits. The State Auditor  
29 shall consult with the State Treasurer to determine the jurisdictions to be audited in the current fiscal year. Jurisdictions may be  
30 selected randomly or based on an instance in the current or previous fiscal year of failing to report, incorrectly reporting or under  
31 remitting amounts owed. The funds transferred to the State Auditor by the State Treasurer shall not be used for any purpose other  
32 than to conduct the described audits and report whether or not the assessments, surcharges, fees, fines, forfeitures, escheatments, or  
33 other monetary penalties imposed and/or mandated are properly collected and remitted to the State. Any unexpended balance on  
34 June thirtieth of the prior fiscal year shall be carried forward and must be expended for the same purpose during the current fiscal  
35 year. The State Auditor shall annually report by October first, its findings of the jurisdictions audited to the Senate Finance  
36 Committee and the House Ways and Means Committee.



1     **SECTION 106 - F300 - STATEWIDE EMPLOYEE BENEFITS**  
2

3     ~~106.1. (SEB: FY 2015-16 Employee Bonus) From the funds appropriated to Statewide Employee Benefits for Bonus Pay,~~  
4 ~~effective on the first pay date that occurs on or after October 16, 2015, the Department of Administration shall allocate to state~~  
5 ~~agencies \$23,500,000 to provide for a one time lump sum bonus. Each permanent state employee, in a full-time equivalent position,~~  
6 ~~who has been in continuous state service for at least six months prior to July 1, 2015, and who earns less than \$100,000 shall receive~~  
7 ~~an \$800 one time lump sum payment. This payment is not a part of the state employee's base salary and is not earnable compensation~~  
8 ~~for purposes of employer or employee contributions to respective retirement systems. This appropriation may be used for payments~~  
9 ~~to employees only in the same ratio as the employee's base salary is paid from appropriated sources and the employing agency shall~~  
10 ~~pay the bonus for federal and other funded full-time equivalent positions employees from federal or other funds available to the~~  
11 ~~agency in the proportion that such funds are the source of the employee's salary. The earnings limitation in Proviso 117.55 of H.~~  
12 ~~3701, R. 127, Act 91 of 2015, does not apply to this bonus.~~

13     ~~Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the~~  
14 ~~same purposes.~~

15     106.2. (SEB: SCRS & PORS Rate Increase) The funds appropriated in the current fiscal year for SCRS Employer Contributions  
16 and PORS Employer Contributions shall be allocated to state agencies and school districts by the Department of Administration,  
17 Executive Budget Office for SCRS and PORS rate increases.  
18

19     **SECTION 108 - F500 - PUBLIC EMPLOYEE BENEFIT AUTHORITY**  
20

21     ~~108.1. (PEBA: Lottery, Infrastructure Bank, and Magistrates Health Insurance) South Carolina Lottery Commissioners and South~~  
22 ~~Carolina Transportation Infrastructure Bank Board members and their eligible dependents are eligible to participate in the State~~  
23 ~~Health and Dental Insurance Plan, upon paying the full premium costs as determined by the Public Employee Benefit Authority. If~~  
24 ~~a county is participating in the State Health and Dental Insurance Plan, magistrates and their eligible dependents are eligible to~~  
25 ~~participate in the State Health and Dental Insurance Plan, upon the magistrate paying the full premium costs as determined by the~~  
26 ~~Public Employee Benefit Authority.~~

27     ~~108.2. (PEBA: Adoption Assistance Program) The Employee Adoption Assistance Program is established to provide grants to~~  
28 ~~eligible employees to assist them with the direct costs of adoption. The program shall be an employee benefit through the Public~~  
29 ~~Employee Benefit Authority (PEBA) and shall be funded from the appropriation for the State Health Plan as provided in this act.~~  
30 ~~Total funding for the Adoption Program shall not exceed the amount authorized by the General Assembly in the annual appropriations~~  
31 ~~act. Employees are eligible for the Adoption Program if they participate in PEBA insurance benefits, have adopted a child during~~  
32 ~~the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program criteria. The~~  
33 ~~application period shall be July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year.~~  
34 ~~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~~  
35 ~~adoptions. Should the total amount needed to fund grants at the maximum level exceed the amount authorized, the amount of a grant~~

1 to an eligible employee shall be determined by dividing the authorized amount evenly among qualified program applicants, with the  
2 adoption of a special needs child qualifying for two times the benefit of a non-special needs child.

3 **108.3.** (PEBA: Health Plan Tobacco User Differential) For health plans adopted under the authority of Section 1-11-710 of the  
4 1976 Code by the Public Employee Benefit Authority during the current fiscal year, the board is authorized to differentiate between  
5 tobacco users and nonusers regarding rates charged to enrollees in its health plans by imposing a surcharge on enrollee rates based  
6 upon tobacco use. The surcharge for tobacco use may not exceed \$40 per month per subscriber or \$60 per month per subscriber and  
7 dependent(s).

8 **108.4.** (PEBA: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance  
9 Plan may be expended to reimburse the expenses of an abortion, except in cases of rape, incest or where the mother's medical  
10 condition is one which, on the basis of the physician's good faith judgment, so complicates the pregnancy as to necessitate an  
11 immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment  
12 of major bodily function, and the State Health Plan may not offer coverage for abortion services, including ancillary services provided  
13 contemporaneously with abortion services. The Public Employee Benefit Authority must determine the amount of the total premium  
14 paid for health coverage necessary to cover the risks associated with reimbursing participants in the plan for obtaining an abortion in  
15 the circumstances covered by this provision. The determination must be based on actuarial data and empirical study in the same  
16 manner and by the same method that other risks are adjusted for in similar circumstances. The plan must report this determination  
17 annually to the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

18 **108.5.** (PEBA: TRICARE Supplement Policy) The Public Employee Benefit Authority (PEBA) shall offer a group TRICARE  
19 Supplement policy or policies to its TRICARE-eligible subscribers through its flexible benefits program to provide that subscribers  
20 may pay premiums for such policies on a pretax basis, in accordance with federal law and regulations. PEBA may charge TRICARE  
21 Supplement subscribers an amount not to exceed \$2 per subscriber per month for any associated administrative costs.

22 **108.6.** (PEBA: ~~FY 2016~~ State Health Plan) Of the funds authorized for the State Health Plan ~~in Plan Year 2016~~ pursuant to  
23 Section 1-11-710(A)(2) of the 1976 Code, ~~an employer premium increase of 4.5 percent and~~ a subscriber premium increase of zero  
24 percent for each tier (subscriber, subscriber/spouse, subscriber/children, full family) will result for the standard State Health Plan in  
25 Plan Year ~~2016~~ 2017. Copayments for participants of the State Health Plan in Plan Year ~~2016~~ 2017 shall not be increased.  
26 Notwithstanding the foregoing, pursuant to Section 1-11-710(A)(3), the Public Employee Benefit Authority may adjust the plan,  
27 benefits, or contributions of the State Health Plan during Plan Year ~~2016~~ 2017 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, ~~2016~~ 2017, the State Health Plan shall not  
2 apply patient cost sharing provisions to covered contraceptives. This provision does not alter the current approved list of  
3 contraceptives and complies with the requirements of proviso 108.4.  
4

#### 5       **SECTION 109 - R440 - DEPARTMENT OF REVENUE**

6  
7       **109.1.** (DOR: Subpoenaed Employee Expense Reimbursement) If any employee of the Department of Revenue is subpoenaed to  
8 testify during litigation not involving the Department of Revenue, the party subpoenaing the employee(s) to testify shall reimburse  
9 the State for expenses incurred by the employee(s) requested to testify. Expenses shall include but are not limited to the cost of  
10 materials and the average daily salary of the employee or employees.

11       **109.2.** (DOR: Court Order Funds Carry Forward) Funds awarded to the Department of Revenue by court order shall be retained  
12 in a special account and shall be carried forward from year to year, and expended as needed to accomplish the purposes and conditions  
13 of said order if specified, and if not specified, as may be directed by the Director of the Department of Revenue.

14       **109.3.** (DOR: Rural Infrastructure Fund Transfer) Notwithstanding Section 12-10-85, the Department of Revenue is authorized  
15 to deposit revenues from the Rural Infrastructure Fund in excess of \$12 million dollars to the Rural Infrastructure Fund under the  
16 Rural Infrastructure Authority. Any revenues in excess of \$17 million shall be deposited in the Rural Infrastructure Fund under the  
17 Department of Commerce, Coordinating Council.

18       **109.4.** (DOR: SCBOS Funds) The Department of Revenue shall share equally the collection assistance fees imposed on overdue  
19 tax debt with the South Carolina Business One Stop program. The funds received by the department from this fee shall be used for  
20 continued administration of the revenue laws in a fair and impartial manner. Any unexpended funds generated by the fee shall be  
21 carried forward from the prior fiscal year into the current fiscal year and shall also be shared equally between the Department of  
22 Revenue and the South Carolina Business One Stop program.

23       **109.5.** (DOR: Across the Board Cut Exemption) Whenever the Executive Budget Office or General Assembly implements an  
24 across the board budget reduction, the funds appropriated to the Department of Revenue shall be exempt from any such mandated  
25 budget reduction.

26       **109.6.** (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a  
27 program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee  
28 concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past  
29 ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments,  
30 liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is  
31 made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

32       (B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or  
33 appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the  
34 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  
35 that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or appointee  
36 was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each year that the

1 candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid income taxes due  
2 each year that the candidate or appointee was required to file income tax returns; and (5) state whether the candidate or appointee  
3 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  
4 that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's complete income tax return when  
5 fulfilling its obligations under this proviso.

6 (C) (1) Participation in this program by a candidate or appointee is voluntary.

7 (2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the  
8 information posted.

9 **109.7.** (DOR: Admissions Tax Exemption) Any amount that an accredited college or university requires a season ticket holder to  
10 pay to a nonprofit athletic booster organization that is exempt from federal income taxation in order to receive the right to purchase  
11 athletic event tickets is exempt from admissions tax.

12 **109.8.** (DOR: Fraudulent Tax Return Program) The Department of Revenue may establish a Fraudulent Tax Return Detection  
13 Program to prevent payment of fraudulent tax refunds. To implement the program the department may contract with information  
14 and technology entities to provide the necessary detection capabilities. The department shall pay for the program from the savings  
15 realized by implementation.

16 **109.9.** (DOR: Treasury Offset Program) The Department of Revenue is authorized to retain up to \$140,000 of mailing and  
17 associated administrative costs incurred as a result of the State's participation in and the notice requirements of the Federal Treasury  
18 Offset Program. Retained expenses shall be from tax offset revenue received from the federal government. Remaining revenue shall  
19 be deposited in the General Fund.

20 **109.10.** (DOR: May Events) Of the accommodation tax returned to Horry County or the municipalities therein, up to one third  
21 of the total allocation may be set aside and used for direct policing activities during events held in May within Horry County. By  
22 October thirty-first, the local government must inform the Department of Revenue the percentage of accommodation tax to withhold,  
23 not to exceed one third of the estimated yearly return, that will be dedicated to direct policing activities. These funds shall be sent  
24 by the Department of Revenue to the local governing entity upon request of the local entity. A report on the expenditure of these  
25 funds, which must include the amount and purpose for which the funds were expended shall be submitted by the county or  
26 municipalities to the Governor, the Chairman of Senate Finance Committee and the Chairman of House Ways and Means Committee  
27 no later than ninety days after the end of any event in which these funds are expended.

28 **109.11.** (DOR: Governmental Debt Offset Program) ~~The Department of Revenue is authorized to contract with technology~~  
29 ~~entities to provide the necessary capabilities to establish a debt offset program to allow non-tax payments to be used to offset~~  
30 ~~governmental debt. Out of the proceeds received, the department shall retain its administrative costs and shall pay for the contractual~~  
31 ~~costs to establish and operate the program. Remaining revenue shall be deposited into the General Fund of the State.~~

32 **109.12.** (DOR: Carry Forward - Identity Theft and Protection Services) ~~The funds appropriated in Act 298 of 2014, Section 1,~~  
33 ~~Item (2) R44 Department of Revenue Identity and Credit Protection Services shall be carried from the prior fiscal year into the current~~  
34 ~~fiscal year and used for the same purpose.~~

1       **109.13.** (DOR: Angel Investors) ~~The Department of Revenue shall use funds authorized by this act to establish a schedule for~~  
2 ~~investors pursuing credits provided for in Chapter 44, Title 11, of the 1976 Code, that includes the ability to submit applications until~~  
3 ~~July 31, 2015, or the date the credit cap is reached as determined by the department, whichever is earlier.~~  
4

#### 5       **SECTION 110 - R520 - STATE ETHICS COMMISSION**

6  
7       **110.1.** (ETHICS: Ethics Commission Website Changes) In the current fiscal year, prior to approving or adopting any changes to  
8 the State Ethics Commission Public Disclosure and Accountability Reporting System, the State Ethics Commission shall submit the  
9 proposed changes to the Senate Ethics Committee and House of Representatives Ethics Committee for their review and approval.  
10 As third party beneficiaries to any agreement between the State Ethics Commission and a vendor relating to the State Ethics  
11 Commission Public Disclosure and Accountability Reporting System, the General Assembly through its respective Ethics  
12 Committees can submit suggested changes to any proposed agreement or contract relating to the State Ethics Commission Public  
13 Disclosure and Accountability Reporting System and the State Ethics Commission shall be required to incorporate those suggestions  
14 into any contractual negotiation.  
15

#### 16       **SECTION 111 - S600 - PROCUREMENT REVIEW PANEL**

17  
18       **111.1.** (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be  
19 accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is  
20 authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5), 11-  
21 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 forward  
22 to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party  
23 desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for  
24 Filing Fee Waiver form at the same time the request for review is filed. The panel shall make the Request for Filing Fee Waiver  
25 forms available to the Chief Procurement Officers to provide to parties along with notice of right to appeal to the panel. If the filing  
26 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 filing  
27 fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing  
28 Fee Waiver form at the time of filing.  
29

#### 30       **SECTION 112 - V040 - DEBT SERVICE**

31  
32       **112.1.** (DS: Excess Debt Service) Excess debt service funds from Fiscal Year ~~2014-15~~ 2015-16 must be carried forward and  
33 expended in Fiscal Year ~~2015-16~~ 2016-17 to pay down general obligation bond debt for which the State (1) is paying the highest rate  
34 of interest, (2) will achieve relief in constrained debt capacity, or (3) reduce the amount of debt issued.

1     **SECTION 113 - X220 - AID TO SUBDIVISIONS, STATE TREASURER**  
2

3     **113.1.** (AS-TREAS: Veterans' Affairs-Aid to Counties) In the allocation of the appropriation in Part IA, Section 113, as adjusted  
4 for "Aid to County Veteran Offices," each county shall receive an effective annual amount equal to one hundred percent of the  
5 amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any  
6 adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer who will  
7 handle and distribute these monies for the sole benefit and use of the County Veterans' Affairs Offices.

8     **113.2.** (AS-TREAS: Quarterly Distributions) For Fiscal Year ~~2015-16~~ 2016-17, one quarter of the amount appropriated in Part  
9 IA for Aid to Subdivisions-Local Government Fund shall be distributed as soon after the beginning of each quarter as practical with  
10 the four distributions together totaling the Fiscal Year ~~2015-16~~ 2016-17 Part IA appropriation for the Local Government Fund.

11     **113.3.** (AS-TREAS: Salary Supplements) The amounts appropriated in Part IA, Section 113, for Aid Cnty-Clerks of Court, Aid  
12 Cnty-Probate Judges, Aid Cnty-Coroners, and Aid Cnty-Sheriffs shall be distributed by the State Treasurer to each county treasurer  
13 equally on a quarterly basis, and shall be used as a salary supplement for each clerk of court, probate judge, county coroner, and  
14 county sheriff. The amounts appropriated in Part IA, Section 113 for Aid Cnty-Register of Deeds, shall be equally distributed by the  
15 State Treasurer to the appropriate county treasurer on a quarterly basis, and shall be used as a salary supplement for registers of  
16 deeds.

17     The amount appropriated in Part IA, Section 113, for Aid Cnty-Auditors and Aid Cnty-Treasurers, shall be equally distributed to  
18 each county auditor and county treasurer as a salary supplement in addition to any amounts presently being provided by the county  
19 for these positions. It is the intent of the General Assembly that the amount appropriated by the county as salaries for these positions  
20 shall not be reduced as a result of the appropriation and that such appropriation shall not disqualify each county auditor and each  
21 county treasurer for salary increases that they might otherwise receive from county funds in the future. The salary supplement for  
22 each county auditor and county treasurer shall be paid in accordance with the schedule and method of payment established for state  
23 employees.

24     The amounts appropriated in Part IA, Section 113 for Clerks of Court, Probate Judges, Sheriffs, Register of Deeds, Coroners,  
25 Auditors, and Treasurers shall be exempt from any across the board cut mandated by the Executive Budget Office or General  
26 Assembly. However, the governing body of a county may reduce the expenditures in the operation of the offices of these officials  
27 without any required corresponding reduction in the county's state aid to subdivisions distribution. However, any reduction in these  
28 officials' budgets must be made in consultation with the affected official.

29     **113.4.** (AS-TREAS: Legislative Delegations) In the current fiscal year, a county government must fund its legislative delegation  
30 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  
31 must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislative delegation of the  
32 county. Additionally, the responsible county's remaining Aid to Subdivisions allotment must be reduced by twenty-five percent of  
33 the shortfall amount, which sum must be forwarded to the legislative delegation to be used for its administrative costs.

34     **113.5.** (AS-TREAS: LGF) For Fiscal Year ~~2015-16~~ 2016-17, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976  
35 Code are suspended.

1       **113.6.** (AS-TREAS: Transparency-Political Subdivision Appropriation of Funds) (A) A political subdivision receiving aid from  
2 the Local Government Fund may not:

3       (1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political  
4 subdivision's budget or in an amendment to the political subdivision's budget;

5       (2) except in cases of emergency or unforeseen circumstances, donate funds to a nonprofit organization unless the amounts  
6 donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political  
7 subdivision's budget that includes the names of the entities to which the donations are being made. In the case of an emergency or  
8 unforeseen circumstances, a political subdivision may donate funds to a nonprofit organization if the amount and purpose of the  
9 proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open  
10 session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization  
11 for five days following the announced intent to make the donation; or

12       (3) accept any funds from nongovernmental and inter-governmental organizations as defined in Agenda 21, adopted by the  
13 United Nations in 1992 at its Conference on Environment and Development, accredited and enlisted by the United Nations to assist  
14 in the implementation of its policies relative to Agenda 21 around the world without posting the following on the political  
15 subdivision's website for ten days:

16           (a) a full and detailed list of the funding program, including a designation that the funding program is associated with  
17 Agenda 21,

18           (b) the amount of funds involved,

19           (c) every mandate or requirement or action that will result from the grant or funding program's implementation,

20           (d) any and all projected costs to the political subdivision, business, or individual associated with the grant or funding  
21 program, and

22           (e) the stated goals and expected results of the grant or funding program.

23       (B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the  
24 requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.

25       **113.7.** (AS-TREAS: Political Subdivision Flexibility) For Fiscal Year ~~2015-16~~ 2016-17, a political subdivision receiving aid  
26 from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal  
27 to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to  
28 be appropriated pursuant to Section 6-27-30. Excluded from said reductions are Administrative Law Judges and their offices, Court  
29 of Appeals and their offices, Circuit and Family Courts and their offices, Magistrates and their offices, Masters-in-Equity and their  
30 offices, Probate Courts and their offices, Public Defenders and their offices, Solicitors and their offices, and the Supreme Court and  
31 their offices.

32       **113.8.** *(AS-TREAS: Withholding Funds) In the current fiscal year, if any political subdivision of this State collects fines from the*  
33 *enforcement of any local ordinance, rule, or regulation which alters, amends, or otherwise conflicts with Chapter 5, Title 56 of the*  
34 *1976 Code, the State Treasurer must withhold an amount of the political subdivision's Local Government Fund distribution equal*

1 to the amount of the fines the political subdivision has collected that are in excess of the amounts authorized by Chapter 5 of Title  
2 56. The withholding provision contained in this paragraph also applies to fines collected from the enforcement of a local ordinance,  
3 rule, or regulation that is similar to a provision of Chapter 5 of Title 56.  
4

#### 5 SECTION 114 - X440 - AID TO SUBDIVISIONS-DEPARTMENT OF REVENUE

6

7 **114.1.** (AS-DOR: Homestead Exemption Fund Reduction and CTC Road Program) ~~The Fiscal Year 2015-16 appropriation to~~  
8 ~~Aid to Subdivisions Department of Revenue for Distribution to Subdivisions: Aid to Counties Homestead Exemption Fund (X440)~~  
9 ~~is reduced by \$20,425,000.~~

10 ~~The first \$10,000,000 carried forward from Fiscal Year 2014-15 annual appropriations to Aid to Subdivisions Department of~~  
11 ~~Revenue for Distribution to Subdivisions: Aid to Counties Homestead Exemption Fund (X440) shall be credited to the Department~~  
12 ~~of Transportation for distribution pursuant to Section 12-28-2740 of the 1976 Code. County Transportation Committees shall utilize~~  
13 ~~the funds distributed pursuant to this proviso solely for use on the state-owned secondary road system for paving, rehabilitation,~~  
14 ~~resurfacing, and/or reconstruction, and bridge repair, replacement, or reconstruction. No funds from this allocation shall be used for~~  
15 ~~any road, bridge, or highway that is not part of the state-owned system.~~  
16

#### 17 SECTION 117 - X900 - GENERAL PROVISIONS

18

19 **117.1.** (GP: Revenues, Deposits Credited to General Fund) For the current fiscal year, except as hereinafter specifically provided,  
20 all general state revenues derived from taxation, licenses, fees, or from any other source whatsoever, and all institutional and  
21 departmental revenues or collections, including income from taxes, licenses, fees, the sale of commodities and services, and income  
22 derived from any other departmental or institutional source of activity, must be remitted to the State Treasurer at least once each  
23 week, when practical, and must be credited, unless otherwise directed by law, to the General Fund of the State. Each institution,  
24 department or agency, in remitting such income to the State Treasurer, shall attach with each such remittance a report or statement,  
25 showing in detail the sources itemized according to standard budget classification from which such income was derived, and shall,  
26 at the same time, forward a copy of such report or statement to the Comptroller General and the Executive Budget Office. In order  
27 to facilitate the immediate deposit of collections, refunds of such collections by state institutions where properly approved by the  
28 authorities of same, may be made in accordance with directions from the State Comptroller General and State Treasurer. General  
29 fund appropriations herein made for the support of the public school system of the State must be greater than or equal to the revenues  
30 derived from the General Retail Sales Tax, the Soft Drinks Tax, and the state's portion of the Alcoholic Liquors Tax and Cable  
31 Television Fees as forecasted in the general fund revenue estimate of the Board of Economic Advisors as accounted for in Section  
32 116 of this act. Appropriations in this act for the support of the public school system shall include the following:

- 33 Department of Education;  
34 State Board for Technical and Comprehensive Education;  
35 Educational Television Commission;  
36 Wil Lou Gray Opportunity School;



1 School for the Deaf and the Blind;  
2 John de la Howe School;  
3 Debt Service on Capital Improvement Bonds Applicable to  
4 Above Agencies;  
5 Debt Service on School Bonds;  
6 Other School Purposes.

7 Nothing contained herein shall be construed as diminishing the educational funding requirements of this section.

8 **117.2.** (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part,  
9 if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways  
10 and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year  
11 ~~2015-16~~ 2016-17, and for other purposes specifically designated.

12 **117.3.** (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal  
13 year beginning July 1, ~~2015~~ 2016, and ending June 30, ~~2016~~ 2017, and “prior fiscal year” means the fiscal year beginning July 1,  
14 ~~2014~~ 2015, and ending June 30, ~~2015~~ 2016.

15 **117.4.** (GP: Descriptive Proviso Titles) Descriptive proviso titles listed in this act are for purposes of identification only and are  
16 not to be considered part of the official text.

17 **117.5.** (GP: Judicial & Involuntary Commitment, Defense of Indigents) It is the responsibility of all agencies, departments and  
18 institutions of state government, to provide at no cost and as a part of the regular services of the agency, department or institutions  
19 such services as are necessary to carry out the provisions of Chapter 52, Title 44 (Involuntary Commitment), Article 7, Chapter 17,  
20 Title 44 of the 1976 Code (Judicial Commitment), Chapter 3, Title 17 of the 1976 Code (Defense of Indigents), and Article 1, Chapter  
21 3, Title 16 of the 1976 Code (Death Penalty), as amended, upon request of the Judicial Department and/or the appropriate court. To  
22 this end, state agencies are directed to furnish to the Judicial Department a list of their employees who are competent to serve as  
23 court examiners. The Judicial Department shall forward a copy of this list to the appropriate courts, and the courts shall utilize the  
24 services of such state employees whenever feasible. State employees shall receive no additional compensation for performing such  
25 services. For the purpose of interpreting this section, employees of the Medical University of South Carolina and individuals serving  
26 an internship or residency as an academic requirement or employees who are not full-time state employees and who are not  
27 performing duties as state employees are not considered state employees.

28 **117.6.** (GP: Case Service Billing Payments Prior Year) Agencies appropriated case services funds who routinely receive prior  
29 year case service billings after the old fiscal year has been officially closed are authorized to pay these case service obligations with  
30 current funds. This authorization does not apply to billings on hand that have been through a timely agency payment approval  
31 process when the old fiscal year closes.

32 **117.7.** (GP: Fee Increases) (A) No state agency, department, board, committee, commission, or authority, may increase an  
33 existing fee for performing any duty, responsibility, or function unless the fee for performing the particular duty, responsibility, or  
34 function is authorized by statutory law and set by regulation except as provided in this paragraph.

35 (B) This paragraph does not apply to:

36 (1) state-supported governmental health care facilities;

- 1 (2) state-supported schools, colleges, and universities;
- 2 (3) educational, entertainment, recreational, cultural, and training programs;
- 3 (4) the State Board of Financial Institutions;
- 4 (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- 5 (6) charges by state agencies for room and board provided on state-owned property;
- 6 (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- 7 (8) court fees or fines levied in a judicial or adjudicatory proceeding;
- 8 (9) the South Carolina Public Service Authority or the South Carolina Ports Authority.

9 (C) This paragraph does not prohibit a state agency, department, board, committee, or commission from increasing fees for  
10 services provided to other state agencies, departments, boards, committees, commissions, political subdivisions, or fees for health  
11 care and laboratory services regardless of whether the fee is set by statute.

12 (D) Statutory law for purposes of this paragraph does not include regulations promulgated pursuant to the State Administrative  
13 Procedures Act.

14 **117.8.** (GP: State Institutions - Revenues & Income) The University of South Carolina, Clemson University, the Medical  
15 University of South Carolina (including the Medical University Hospital), The Citadel, Winthrop University, South Carolina State  
16 University, Francis Marion University, University of Charleston, Lander University, Coastal Carolina University, and the Wil Lou  
17 Gray Opportunity School shall remit all revenues and income, collected at the respective institutions, to the State Treasurer according  
18 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,  
19 matriculation, and registration, shall be carried in a special continuing account by the State Treasurer, to the credit of the respective  
20 institutions, and may be requisitioned by said institutions, in the manner prescribed in Section 11-3-185 of the 1976 Code, and  
21 expended to fulfill the purpose for which such fees or income were levied, but no part of such income shall be used for permanent  
22 improvements without the express written approval of the State Fiscal Accountability Authority and the Joint Legislative Capital  
23 Bond Review Committee; and it is further required that no such fee or income shall be charged in excess of the amount that is  
24 necessary to supply the service, or fulfill the purpose for which such fee or income was charged. Notwithstanding other provisions  
25 of this act, funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of  
26 student organizations, and from the operations of canteens and bookstores, and from approved Private Practice plans at institutions  
27 and affiliated agencies may be retained at the institution and expended by the respective institutions only in accord with policies  
28 established by the institution's Board of Trustees. Such funds shall be audited annually by the State but the provisions of this act  
29 concerning unclassified personnel compensation, travel, equipment purchases and other purchasing regulations shall not apply to the  
30 use of these funds.

31 **117.9.** (GP: Transfers of Appropriations) Agencies and institutions shall be authorized to transfer appropriations within programs  
32 and within the agency with notification to the Executive Budget Office and Comptroller General. No such transfer may exceed  
33 twenty percent of the program budget. Upon request, details of such transfers may be provided to members of the General Assembly  
34 on an agency by agency basis. Transfers of appropriations from personal service accounts to other operating accounts or from other  
35 operating accounts to personal service accounts may be restricted to any established standard level set by the State Fiscal  
36 Accountability Authority upon formal approval by a majority of the members of the State Fiscal Accountability Authority.

1       **117.10.** (GP: Federal Funds - DHEC, DSS, DHHS - Disallowances) Amounts appropriated to the Department of Health and  
2 Environmental Control, Department of Social Services and Department of Health and Human Services may be expended to cover  
3 program operations of prior fiscal years where adjustment of such prior years are necessary under federal regulations or audit  
4 exceptions. All disallowances or notices of disallowances by any federal agency of any costs claimed by these agencies shall be  
5 submitted to the State Auditor, the Senate Finance Committee and the House Ways and Means Committee, within five days of receipt  
6 of such actions.

7       **117.11.** (GP: Fixed Student Fees) During the current fiscal year, student fees at the state institutions of higher learning shall be  
8 fixed by the respective Boards of Trustees as follows:

9       (1) Fees applicable to student housing, dining halls, student health service, parking facility, laundries and all other personal  
10 subsistence expenses shall be sufficient to fully cover the total direct operating and capital expenses of providing such facilities and  
11 services over their expected useful life except those operating or capital expenses related to the removal of asbestos.

12       (2) Student activity fees may be fixed at such rates as the respective Boards shall deem reasonable and necessary.

13       **117.12.** (GP: Tech Educ. Colleges Student Activity Fees) Notwithstanding any other provisions of this act, funds at technical  
14 education colleges derived wholly from the activities of student organizations and from the operations of canteens and bookstores  
15 may be retained by the college and expended only in accord with policies established by the respective college's area commission  
16 and approved by the State Board for Technical and Comprehensive Education.

17       **117.13.** (GP: Discrimination Policy) It is the policy of the State of South Carolina to recruit, hire, train, and promote employees  
18 without discrimination because of race, color, sex, national origin, age, religion or physical disability. This policy is to apply to all  
19 levels and phases of personnel within state government, including but not limited to recruiting, hiring, compensation, benefits,  
20 promotions, transfers, layoffs, recalls from layoffs, and educational, social, or recreational programs. It is the policy of the State to  
21 take affirmative action to remove the disparate effects of past discrimination, if any, because of race, color, sex, national origin, age,  
22 religion or physical disability.

23       Each state agency shall submit to the State Human Affairs Commission employment and filled vacancy data by race and sex by  
24 October thirty-first, of each year.

25       In accordance with Section 1-13-110 of the 1976 Code, as amended, the Human Affairs Commission shall submit a report on the  
26 status of state agencies' Affirmative Action Plans and Programs to the General Assembly by February first each year. This report  
27 shall contain the total number of persons employed in each job group, by race and sex, at the end of the preceding reporting period,  
28 a breakdown by race and sex of those hired or promoted from within the agency during the reporting period, and an indication of  
29 whether affirmative action goals were achieved. For each job group referenced in the Human Affairs report, where the hiring of  
30 personnel does not reflect the percentage goals established in the agency's affirmative action plan for the year in question, the state  
31 agency shall submit a detailed explanation to the Human Affairs Commission by February fifteenth, explaining why goals were not  
32 achieved.

33       The Human Affairs Commission shall review the explanations and notify the Department of Administration of any agency not in  
34 satisfactory compliance with meeting its stated goals.

35       The Department of Administration shall notify any agency not in compliance that their request for additional appropriations for  
36 the current appropriation cycle, may not be processed until such time as the Department of Administration, after consultation with

1 the Human Affairs Commission, is satisfied that the agency is making a good faith effort to comply with its affirmative action plan,  
2 and that the compliance must be accomplished within a reasonable length of time to be determined by the mission and circumstances  
3 of the agency. This requirement shall not affect additional appropriation requests for public assistance payments or aid to entities.  
4 This section does not apply to those agencies that have been exempted from the reporting requirements of the Human Affairs  
5 Commission.

6 **117.14.** (GP: Personal Service Reconciliation, FTEs) In order to provide the necessary control over the number of employees,  
7 the Executive Budget Office is hereby directed to maintain close supervision over the number of state employees, and to require  
8 specifically the following:

9 (1) That no state agency exceed the total authorized number of full-time equivalent positions and those funded from state  
10 sources as provided in each section of this act except by majority vote of the State Fiscal Accountability Authority.

11 (2) That the Executive Budget Office shall maintain and make, as necessary, periodic adjustments thereto, an official record  
12 of the total number of authorized full-time equivalent positions by agency for state and total funding sources.

13 (a) That within thirty days of the passage of the Appropriation Act or by August first, whichever comes later, each agency  
14 of the State must have established on the Executive Budget Office records all positions authorized in the Act. After that date, the  
15 office shall delete any non-established positions immediately from the official record of authorized full-time equivalent positions.  
16 No positions shall be established by the office in excess of the total number of authorized full-time equivalent positions. Each agency  
17 may, upon notification to the Executive Budget Office, change the funding source of state FTE positions established on the Executive  
18 Budget Office records as necessary to expend federal and other sources of personal service funds to conserve or stay within the state  
19 appropriated personal service funds. No agency shall change funding sources that will cause the agency to exceed the authorized  
20 number of state or total full-time equivalent positions. Each agency may transfer FTE's between programs as needed to accomplish  
21 the agency mission.

22 (b) That by September thirtieth, the office shall prepare a personal service analysis, by agency, which shows the number  
23 of established positions for the fiscal year and the amount of funds required, by source of funds, to support the FTE's for the fiscal  
24 year at a funding level of one hundred percent. The office shall then reconcile each agency's personal service detail with the agency's  
25 personal service appropriation as contained in the Act adjusted for any pay increases and any other factors necessary to reflect the  
26 agency's personal service funding level. The office shall provide a copy of each agency's personal service reconciliation to the  
27 Senate Finance and House Ways and Means Committees.

28 (c) That any position which is shown by the reconciliation to be unfunded or significantly underfunded may be deleted at  
29 the direction of the State Fiscal Accountability Authority.

30 (3) That full-time equivalent (FTE) positions shall be determined under the following guidelines:

31 (a) The annual work hours for each FTE shall be the agency's full-time standard annual work hours.

32 (b) The state FTE shall be derived by multiplying the state percentage of budgeted funds for each position by the FTE for  
33 that position.

34 (c) All institutions of higher education shall use a value of 0.75 FTE for each position determined to be full-time faculty  
35 with a duration of nine months.

36 The FTE method of accounting shall be utilized for all authorized positions.

1 (4) That the number of positions authorized in this act shall be reduced in the following circumstances:

2 (a) Upon request by an agency.

3 (b) When anticipated federal funds are not made available.

4 (c) When the Executive Budget Office, through study or analysis, becomes aware of any unjustifiable excess of positions  
5 in any state agency.

6 (5) That the Executive Budget Office shall annually reconcile personal service funds with full-time employee count. Unfunded  
7 positions will be eliminated no later than January fifteenth of the current fiscal year unless specifically exempted elsewhere in this  
8 act or by the Executive Budget Office. The Executive Budget Office must report the full-time employee count and unfunded position  
9 status to the Senate Finance Committee and the Ways and Means Committee by February first of the current fiscal year.

10 (6) That no new permanent positions in state government shall be funded by appropriations in acts supplemental to this act but  
11 temporary positions may be so funded.

12 (7) That the provisions of this section shall not apply to personnel exempt from the State Classification and Compensation  
13 Plan under item I of Section 8-11-260 of the 1976 Code.

14 The Governor, in making his appropriation recommendations to the Ways and Means Committee, must provide that the level of  
15 personal service appropriation recommended for each agency is at least ninety-seven percent of the funds required to meet one  
16 hundred percent of the funds needed for the full-time equivalents positions recommended by the Governor (exclusive of new  
17 positions).

18 **117.15.** (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State,  
19 including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of  
20 employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for  
21 at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge  
22 for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency  
23 maintaining its own payroll system. This shall not apply to the Governor's Mansion, nor to guards at any of the state's penal  
24 institutions and nurses and attendants at the Department of Disabilities and Special Needs, and registered nurses providing clinical  
25 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  
26 of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED  
27 Communications Center or Maintenance Area, nor to adult staff at the Governor's School for Science and Mathematics and the  
28 Governor's School for Arts and Humanities who are required to stay on campus by the institution because of job requirements or  
29 program participation. Any state institution of higher learning may provide complimentary membership privileges to employees  
30 who work at their wellness centers. The presidents of those state institutions of higher learning authorized to provide on-campus  
31 residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

32 Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount  
33 to be approved by the State Fiscal Accountability Authority.

34 That the following may be permitted to occupy residences owned by the respective departments without charge: the Farm Director,  
35 Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of  
36 Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources' Game

1 Management Personnel, Fish Hatchery Personnel, and Fort Johnson Superintendent; the Department of Parks, Recreation and  
2 Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the  
3 Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control  
4 personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life  
5 Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm  
6 Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; the Department of Disabilities and  
7 Special Needs' physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and  
8 Housing Area Coordinators; and TriCounty Technical College's Bridge to Clemson Resident and Area Directors; and housing  
9 maintenance night supervisors, residence life directors, temporary and transition employees, and emergency medical personnel  
10 occupying residences owned by the University of South Carolina. Except in the case of elected officials, the fair market rental value  
11 of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head  
12 Salary Commission, and the Department of Administration by October first of each fiscal year.

13 All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved  
14 by the Department of Administration, applicable to all personnel of the State Government whose compensation is not specifically  
15 fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is  
16 drawn. The Department of Administration is authorized to approve temporary salary adjustments for classified and unclassified  
17 employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment  
18 shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic  
19 personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the  
20 plan may be excluded therefrom but their compensations as approved by the Department of Administration shall, nevertheless, be  
21 subject to review by the State Fiscal Accountability Authority. Salary appropriations for employees fixed in this act shall be in full  
22 for all services rendered, and no supplements from other sources shall be permitted or approved by the State Fiscal Accountability  
23 Authority. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is  
24 otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically  
25 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  
26 funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award  
27 programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section,  
28 monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of  
29 employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the  
30 Department of Administration.

31 In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if  
32 the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet  
33 the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average  
34 of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging  
35 provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent  
36 paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the

1 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  
2 during the calendar year in which the period begins.

3 **117.16.** (GP: Universities & Colleges - Allowance for Presidents) Presidents of the University of South Carolina, Clemson  
4 University, the Medical University of South Carolina, The Citadel, Winthrop University, South Carolina State University, Francis  
5 Marion University, University of Charleston, Coastal Carolina University and Lander University must not be paid a fixed allowance  
6 for personal expenses incurred in connection with the performance of their official duties. Reimbursements may be made to the  
7 presidents from funds available to their respective institutions for any personal expenses incurred provided that all requests for  
8 reimbursement are supported by properly documented vouchers processed through the normal accounting procedures of the  
9 institutions.

10 **117.17.** (GP: Replacement of Personal Property) The Department of Juvenile Justice, Department of Corrections, Department  
11 of Probation, Parole and Pardon Services, Department of Mental Health, Department of Disabilities and Special Needs, Continuum  
12 of Care, Department of Social Services and School for the Deaf and the Blind may replace the personal property of an employee  
13 which has been damaged or destroyed by a client while in custody of the agency. The replacement of personal property may be  
14 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  
15 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  
16 out the functions and duties of his employment. Replacement of damaged or destroyed items shall not exceed \$250 per item, per  
17 incident. Each agency must have guidelines to insure the reasonableness of the replacement payments.

18 **117.18.** (GP: Business Expense Reimbursement) Agency heads and deputy commissioners or deputy directors designated by  
19 agency heads may receive reimbursements for business expenses incurred while performing their official duties, provided that  
20 receipts are presented when seeking reimbursement and justification is submitted to document the time, place, and purpose of the  
21 expense as well as the names of the individuals involved. The Department of Administration shall promulgate regulations governing  
22 these expenses.

23 **117.19.** (GP: Per Diem) The per diem allowance of all boards, commissions and committees shall be at the rate of \$35 per day.  
24 No full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions or  
25 committees.

26 **117.20.** (GP: Travel - Subsistence Expenses & Mileage) Travel and subsistence expenses, whether paid from state appropriated,  
27 federal, local or other funds, shall be allowed in accordance with the following provisions:

28 (A) Unless otherwise provided in paragraphs B through H of this section, all employees of the State of South Carolina or any  
29 agency thereof including employees and members of the governing bodies of each technical college while traveling on the business  
30 of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging, not to  
31 exceed the current maximum lodging rates, excluding taxes, established by the U.S. General Services Administration. The lodging  
32 reimbursement for employees of a school district must also conform to these rates when that employee's travel reimbursement is  
33 paid by state funds that are transferred to the school district. Agencies may contract with lodging facilities to pay on behalf of an  
34 employee. Failure to maintain proper control of direct payments for lodging may result in the revocation of the agency's authority  
35 by the Comptroller General or the State Auditor. The employee shall also be reimbursed for the actual expenses incurred in the  
36 obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of South

1 Carolina the maximum daily reimbursement for meals shall not exceed \$32. Agencies may contract with food or dining facilities to  
2 pay for meals on behalf of employees in accordance with rules and regulations established by the Office of Comptroller General. It  
3 shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order  
4 to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration.  
5 Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other  
6 extenuating circumstances. The provisions of this item shall not apply to Section 42-3-40 of the 1976 Code, and when pertaining to  
7 institutions of higher learning, for travel paid with funds other than General Funds.

8 (B) That employees of the State, when traveling outside the United States, Canada, and Puerto Rico upon promotional business  
9 for the State of South Carolina shall be entitled to actual expenses for both food and lodging.

10 (C) The Governor, Lieutenant Governor, Secretary of State, Comptroller General, Attorney General, State Treasurer, Adjutant  
11 General, Superintendent of Education and the Commissioner of Agriculture shall be reimbursed actual expenses for subsistence.

12 (D) Non-legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose  
13 membership consists solely of members of the General Assembly or members of the General Assembly and other personnel who are  
14 not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day while traveling on official business,  
15 unless otherwise designated by law. Members of such committees may opt to receive actual expenses incurred for lodging and actual  
16 expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.

17 (E) Members of the state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem  
18 basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraph A and I of this section while  
19 away from their places of residence on official business of the State. One person accompanying a handicapped member of a state  
20 board, commission, or committee on official business of the State shall be allowed the same reimbursement for actual expenses  
21 incurred at the rates provided in paragraph A through I of this section.

22 (F) No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while  
23 traveling in the county of his official residence. When traveling on official business of said court within fifty miles outside the county  
24 of his official residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the  
25 amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. When traveling on  
26 official business of said court fifty or more miles outside the county of his official residence, each Justice and Judge of the Court of  
27 Appeals shall be allowed subsistence expenses in the amount as provided in this act for members of the General Assembly plus such  
28 mileage allowance for travel as is provided for other employees of the State. The Chief Justice, or such other person as the Chief  
29 Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the  
30 National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial  
31 Judges shall be allowed actual subsistence and travel expenses.

32 Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court  
33 Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate  
34 provided in paragraph A of this section.

35 (G) No subsistence reimbursements are allowed to a Circuit Judge, a Family Court Judge, or an Administrative Law Judge while  
36 holding court within the county in which he resides. While holding court or on other official business outside the county, within



1 fifty miles of his residence, a Circuit Court Judge, Family Court Judge, or an Administrative Law Judge is entitled to a subsistence  
2 allowance in the amount of \$35 per day plus such mileage allowance for travel as is provided for other employees of the State. While  
3 holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court or  
4 Administrative Law Judge is entitled to a subsistence allowance in the amount as provided in this act for members of the General  
5 Assembly plus such mileage allowance for travel as is provided for other employees of the State.

6 (H) Any retired Justice, Circuit Court Judge or Family Court Judge or Master-in-Equity appointed by the Supreme Court to serve  
7 as a Special Circuit Judge, Family Court Judge, Appeals Court Judge, or Acting Associate Justice shall serve without pay but shall  
8 receive the same allowance for subsistence, expenses, and mileage as provided in Part I for Circuit Court Judges.

9 (I) No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by  
10 which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory  
11 or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may  
12 be allowed for the necessary travel to his official headquarters. The members of the Workers' Compensation Commission may be  
13 reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence  
14 reimbursement shall be allowed to a member of the Workers' Compensation Commission while traveling in the county of his official  
15 residence. When traveling on official business of the commission outside the county of his official residence, a member of the  
16 Workers' Compensation Commission shall be allowed subsistence expenses in the amount of \$35 per day. When traveling on official  
17 business of the commission fifty or more miles outside the county of his official residence, each member shall be allowed a  
18 subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of  
19 the Workers' Compensation Commission and the members of the Appellate Panel of the Department of Employment and Workforce  
20 may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable  
21 by the Comptroller General. The members of the Appellate Panel of the Department of Employment and Workforce may be  
22 reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members  
23 of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as  
24 provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of  
25 Columbia.

26 (J) When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge  
27 to equal the standard business mileage rate as established by the Internal Revenue Service will be allowed for the use of such  
28 automobile and the employee shall bear the expense of supplies and upkeep thereof. The standard business mileage rate used in this  
29 calculation shall be the current rate established by the Internal Revenue Service. Whenever state provided motor pool vehicles are  
30 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  
31 vehicle in traveling on necessary official business, a charge of four cents per mile less than the standard business mileage rate as  
32 established by the Internal Revenue Service will be allocated for the use of such vehicle and the employee shall bear the expense of  
33 supplies and upkeep thereof. The standard business mileage rate used in this calculation shall be the current rate established by the  
34 Internal Revenue Service. When such travel is by a state-owned automobile, the State shall bear the expense of supplies and upkeep  
35 thereof but no mileage will be allowed. Agencies and employees are directed to use state fueling facilities to the maximum extent  
36 possible, when such use is cost beneficial to the State. When using commercial fueling facilities, operators of State-owned vehicles

1 are directed to use self-service pumps. In traveling on the business of the State, employees are required to use the most economical  
2 mode of transportation, due consideration being given to urgency, schedules and like factors.

3 Mileage between an employee's home and his/her place of employment is not subject to reimbursement. However, when an  
4 employee leaves on a business trip directly from his/her home, and does not go by the employee's headquarters, the employee shall  
5 be eligible for reimbursement for actual mileage beginning at his/her residence.

6 (K) That a state agency may advance travel and subsistence expense monies to employees of that agency for the financing of  
7 ordinary and necessary travel required in the conducting of the business of the agency. The Office of Comptroller General is directed  
8 to develop and publish rules and regulations pertaining to the advancing of travel expenses and no state agency shall make such  
9 advances except under the rules and regulations as published. All advances for travel and subsistence monies shall be repaid to the  
10 agency within thirty days after the end of the trip or by July fifteenth, whichever comes first.

11 (L) That the state institutions of higher learning are authorized to reimburse reasonable relocation expenses for new employees  
12 when such reimbursements are considered by the agency head to be essential to successful recruitment of professionally competent  
13 staff members.

14 (M) The Office of Comptroller General is authorized to promulgate and publish rules and regulations governing travel and  
15 subsistence payments.

16 (N) No state funds may be used to purchase first class airline tickets.

17 **117.21.** (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall  
18 render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting  
19 of how the state funds will be spent, a copy of the adopted budget for the current year, and also a copy of the organization's most  
20 recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required  
21 financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes  
22 which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and  
23 audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to  
24 the General Assembly of such review and/or audit, when requested to do so by the State Fiscal Accountability Authority.

25 **117.22.** (GP: State-Owned Aircraft - Flight Logs) Each agency having in its custody one or more aircraft shall maintain a  
26 continuing log on all flights, which in order to promote accountability and transparency shall be open for public inspection and shall  
27 also be posted online. Any and all aircraft owned or operated by agencies of the State Government shall be used only for official  
28 business. The Division of Aeronautics and other agencies owning and operating aircraft may furnish transportation to the Governor,  
29 Constitutional Officers, members of the General Assembly, members of state boards, commissions, and agencies and their invitees  
30 for official business only; no member of the General Assembly, no member of a state board, commission, or committee, and no state  
31 official shall use any state-owned or operated aircraft unless the member or official files within twenty-four hours after the completion  
32 of the flight with the agency that provided the flight a sworn statement certifying and describing the official nature of his trip; and  
33 no member of the General Assembly, no member of a state board, commission or committee, and no state official shall be furnished  
34 air transportation by a state agency unless such agency prepares and maintains in its files a sworn statement from the highest ranking  
35 official of the agency or its designee certifying that the member's or state official's trip was in conjunction with the official business  
36 of the agency. Official business shall not include routine transportation to and from meetings of the General Assembly or committee

1 meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or  
2 political function.

3 All logs shall be signed by the parties using the flight and the signatures shall be maintained as part of the permanent record of  
4 any agency. All passengers shall be listed on the flight log by their legal name; passengers flying with an appropriate official of  
5 SLED or the Department of Commerce whose confidentiality must, in the opinion of SLED or the department, be protected shall be  
6 listed in writing on the flight log as “Confidential Passenger SLED or the Department of Commerce (strike one)” and the appropriate  
7 official of SLED or the department shall certify to the agency operating the aircraft the necessity for such confidentiality. The  
8 Division of Aeronautics shall post its flight logs on its website within one working day of completion of trips.

9 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  
10 and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a  
11 violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as  
12 provided by law. The above provisions do not apply to state-owned or operated aircraft when used by the Medical University of  
13 South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher  
14 education, nor to law enforcement officers when flying on state-owned aircraft in pursuit of fugitives, missing persons, or felons or  
15 for investigation of gang, drug, or other violent crimes.

16 Aircraft owned by agencies of state government shall not be leased to individuals for their personal use.

17 **117.23.** (GP: Carry Forward) Each agency is authorized to carry forward unspent general fund appropriations from the prior  
18 fiscal year into the current fiscal year, up to a maximum of ten percent of its original general fund appropriations less any  
19 appropriation reductions for the current fiscal year. Agencies shall not withhold services in order to carry forward general funds.

20 This provision shall be suspended if necessary to avoid a fiscal year-end general fund deficit. For purposes of this proviso, the  
21 amount of the general fund deficit shall be determined after first applying the Capital Reserve Fund provisions in Section 11-11-  
22 320(D) of the 1976 Code, and before any transfers from the General Reserve. The amount of general funds needed to avoid a year-  
23 end deficit shall be reduced proportionately from each agency’s carry forward amount.

24 Agencies which have separate general fund carry forward authority must exclude the amount carried forward by such separate  
25 authority from their base for purposes of calculating the ten percent carry forward authorized herein. Any funds that are carried  
26 forward as a result of this provision are not considered part of the base of appropriations for any succeeding years.

27 **117.24.** (GP: TEFRA-Tax Equity and Fiscal Responsibility Act) It is the intent of the General Assembly that the State Medicaid  
28 Plan be amended to provide benefits for disabled children as allowed by the Tax Equity and Fiscal Responsibility Act (TEFRA)  
29 option. State agencies, including but not limited to, the Department of Social Services - the Continuum of Care, the Department of  
30 Health and Environmental Control, the Department of Mental Health, the Department of Disabilities and Special Needs, and the  
31 Department of Health and Human Services shall collectively review and identify existing state appropriations within their respective  
32 budgets that can be used as state match to serve these children. Such funds shall be used effective January 1, 1995 to implement  
33 TEFRA option benefits. Agencies providing services under the provisions of this paragraph must not spend less in the current fiscal  
34 year than expended in the previous fiscal year.

35 **117.25.** (GP: Prison Industries) All agencies funded in this act, when procuring goods and services, shall first consider  
36 contracting for services or purchasing goods and services through the Department of Corrections’ Prison Industries Program. The

1 Department of Corrections shall furnish, upon request, to all agencies a catalogue of goods and services provided by Prison Industries.  
2 The department is hereby directed to develop and market a catalogue of Prison Industries products for nationwide circulation.

3 **117.26.** (GP: Travel Report) Annually on November first, the Comptroller General shall issue a report on travel expenditures  
4 for the prior fiscal year which shall be distributed to the Senate Finance Committee, the House Ways and Means Committee, and the  
5 Statehouse Press Room. The Comptroller General may use up to \$500 of general fund appropriations for the purpose of providing  
6 copies to the media or the public upon request. The report must contain a listing for every agency receiving an appropriation in the  
7 annual General Appropriations Act. The listing must show at a minimum the top ten percent of employees for whom travel expenses  
8 and registration fees were paid within each agency, not to exceed twenty-five employees per agency. Agencies should include  
9 position titles for each of the top twenty-five travelers for each agency. Expenditures must include state, federal and other sources  
10 of funds. Expenditures for in-state and out-of-state registration fees (fees to attend conferences, teleconferences, workshops, or  
11 seminars for training on a per person basis) must be shown as a separate subtotal within the grand total for the individual employees  
12 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  
13 employee must be shown with each amount. Agencies should include a brief summary of the type of travel the agency incurs. The  
14 Comptroller General may provide additional information as deemed appropriate. The Comptroller General shall provide no  
15 exceptions to this report in that the information contained is not considered confidential or restricted for economic development  
16 purposes. However, further disclosure of detailed information shall be restricted as provided for by law.

17 **117.27.** (GP: School Technology Initiative) From the funds appropriated/authorized for the K-12 technology initiative, the  
18 Department of Education, in consultation with the Department of Administration, the State Library, the Educational Television  
19 Commission, and a representative from the Education Oversight Committee, shall administer the K-12 technology initiative funds.  
20 These funds are intended to provide technology, encourage effective use of technology in K-12 public schools throughout the state,  
21 conduct cost/benefit analyses of the various technologies, and should, to the maximum extent possible, involve public-private sector  
22 collaborative efforts. Funds may also be used to establish pilot projects for new technologies with selected school districts as part of  
23 the evaluation process. K-12 technology initiative funds shall be retained and carried forward to be used for the same purpose.

24 **117.28.** (GP: State-Operated Day Care Facilities Fees) Any state agency receiving funding in this act and any higher education  
25 institution, including four-year institutions, two-year institutions, and technical colleges, that operates an early childhood  
26 development center or day care facility shall charge, at a minimum, fees that are comparable to those charged by private day care  
27 facilities in the local community. The institution or agency shall not restrict enrollment in the center solely to the children of faculty,  
28 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.

29 **117.29.** (GP: Base Budget Analysis) Agencies' annual accountability reports for the prior fiscal year, as required in Section 1-1-  
30 810, must be accessible to the Governor, Senate Finance Committee, House Ways and Means Committee, and to the public on or  
31 before September fifteenth, for the purpose of a zero-base budget analysis and in order to ensure that the Agency Head Salary  
32 Commission has the accountability reports for use in a timely manner. Accountability Report guidelines shall require agencies to  
33 identify key program area descriptions and expenditures and link these to key financial and performance results measures. The  
34 Executive Budget Office is directed to develop a process for training agency leaders on the annual agency accountability report and  
35 its use in financial, organizational, and accountability improvement. Until performance-based funding is fully implemented and

1 reported annually, the state supported colleges, universities and technical schools shall report in accordance with Section 59-101-  
2 350.

3 **117.30.** (GP: Collection on Dishonored Payments) In lieu of any other provision of law, any state agency may collect a service  
4 charge as provided in Section 34-11-70 to cover the costs associated with the processing and collection of dishonored instruments or  
5 electronic payments where any amount is not paid by the drawee due to insufficient funds on deposit with the bank or the person  
6 upon which it was drawn when presented, or the instrument has an incorrect or insufficient signature on it. Such funds shall be  
7 retained and expended by the agency in accordance with this purpose and any unused amount shall carry forward to the following  
8 fiscal year.

9 **117.31.** (GP: State DNA Database) Funds collected by the South Carolina Department of Corrections, the Department of  
10 Probation, Parole and Pardon, and Department of Juvenile Justice to process DNA samples must be remitted to the State Law  
11 Enforcement Division to offset the expenses incurred to operate the State DNA Database program. SLED may retain, expend, and  
12 carry forward these funds. Any carry forward funds resulting from the DNA Database program must be used solely to operate the  
13 DNA Database program.

14 **117.32.** (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Department of  
15 Administration, a program to realign resources to include provisions for a separation incentive payment for employees which may  
16 include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall  
17 not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program. Employees participating in such  
18 program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section  
19 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary  
20 participation from employees and will be funded within existing appropriations. The program must be approved by the agency head  
21 and the Director of the Human Resources Division based on ability to demonstrate recurring cost savings for realignment and/or  
22 permanent downsizing. State agencies shall report the prior year's results to the Department of Administration by August fifteenth,  
23 of the current fiscal year. The Department of Administration, upon request, shall report to the Senate Finance Committee and the  
24 House Ways and Means Committee on these results.

25 **117.33.** (GP: Alternative Commitment to Truancy) As part of its plan for an alternative school, a school district receiving funds  
26 from the Department of Education for an alternative school shall identify available alternatives to commitment for children whose  
27 truancy is approaching the level of being referred to family court. When proceeding under S.C. Code Section 59-65-50 to bring an  
28 individual case before the family court, the school district must present this plan as well as the district's efforts with respect to the  
29 individual child to the court. Each school district's plan under this proviso shall include possible assignment to alternative school  
30 for a non-attending child before petitioning the court.

31 **117.34.** (GP: Debt Collection Reports) Each state agency shall provide to the Chairmen of the Senate Finance and House of  
32 Representatives Ways and Means Committees and the Inspector General a report detailing the amount of its outstanding debt and all  
33 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  
34 of this provision, outstanding debt means a sum remaining due and owed to a state agency by a nongovernmental entity for more  
35 than sixty calendar days.

1       **117.35.** (GP: State-Funded Libraries - Web Filters) (A) A library receiving state funds, directly, indirectly, by grant, or  
2 otherwise, other than a library at an institution of higher learning, that has computers available for use by the public or students, or  
3 both, must equip these computers with software incorporating web-filtering technology designed to eliminate or reduce the ability  
4 of the computer to access sites displaying pornographic pictures or text. However, up to ten percent, and at least one, of the library's  
5 computers must be unfiltered. Each library's governing officials shall determine the physical location of any unfiltered computer(s).  
6 The library also must have a written policy providing sanctions against a person who instructs or demonstrates to another person  
7 how to bypass this web-filtering technology.

8       (B) State funds intended for a library not in compliance with subsection (A) must be reduced by fifty percent. Funds resulting  
9 from this reduction must be distributed among other libraries that are in compliance with subsection (A).

10       **117.36.** (GP: Tobacco Settlement Funds Carry Forward) State agencies are hereby authorized to retain and carry forward any  
11 unexpended Tobacco Settlement Agreement funds from the prior fiscal year into the current fiscal year and to expend such funds for  
12 the same purpose.

13       **117.37.** (GP: Use Tax Exemption) For the current fiscal year there is exempt from the use tax imposed pursuant to Chapter 36,  
14 Title 12 of the 1976 Code the sales price of tangible personal property purchased for use in private primary and secondary schools,  
15 including kindergartens and early childhood education programs, which are exempt from income taxes pursuant to Section 501(c)(3)  
16 of the Internal Revenue Code. For the purposes of this item, the Internal Revenue Code means Internal Revenue Code as described  
17 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  
18 tax paid on sales exempted by this paragraph.

19       **117.38.** (GP: Personal Property Tax Relief Fund) ~~For the current fiscal year, Section 12-37-2735 of the 1976 Code is suspended.~~  
20 If the Personal Property Tax Exemption Sales Tax is imposed in a county and a sales tax rate of two percent of gross proceeds of  
21 sales is insufficient to offset the property tax not collected, sufficient amounts must be credited to the Trust Fund for Tax Relief  
22 established pursuant to Section 11-11-150 of the 1976 Code to provide the reimbursement to offset such a shortfall in the manner  
23 provided in Section 4-10-540(A) of the 1976 Code.

24       **117.39.** (GP: COG Annual Report) Each Council of Government shall submit a report to the Senate Finance Committee and the  
25 House Ways and Means Committee by December first each year describing how the funds which they received from the State in the  
26 prior fiscal year were expended.

27       **117.40.** (GP: Department of Administration, OEPP, Veterans Affairs) Of the funds appropriated for the Department of  
28 Administration, Office of Executive Policy and Programs, Division of Veterans Affairs, the Director of the Division shall appoint an  
29 additional claims representative within the Division of Veterans Affairs, who, in addition to being charged with the duty of assisting  
30 all ex-servicemen, regardless of the wars in which their service may have been rendered, in filing, presenting, and prosecuting to  
31 final determination all claims which they have for money compensation, hospitalization, training, and insurance benefits under the  
32 terms of federal legislation, shall also specialize in the specific needs and diseases associated with veterans of the Vietnam era. The  
33 person appointed as a claims representative under this section must be versed in federal legislation relating to these matters and the  
34 rules, regulations, and practice of the Veterans Administration as created by Congress and his appointment must be approved by the  
35 Governor.

1 Subject to the direction of the director, and in addition to other duties prescribed in this section, the claims representative appointed  
2 pursuant to this section may represent the Division of Veterans Affairs on the South Carolina Agent Orange Advisory Council and  
3 on the Hepatitis C Coalition established by the South Carolina Department of Health and Environmental Control, assist the Division  
4 of Veterans Affairs in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent  
5 the director in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the director.

6 **117.41.** (GP: South Carolina Recycling Initiative) To protect the public health and safety, protect and preserve the environment  
7 of this State, and to recover resources which have the potential for usefulness in the most environmentally safe, economically feasible  
8 and cost effective manner, state agencies shall purchase recycled steel unless the item cannot be acquired competitively at a  
9 reasonable price.

10 **117.42.** (GP: Life and Palmetto Fellows Scholarships Waiver Exemption) Any provision in permanent law or in Part IB,  
11 Section 117 of this act, except that which is specified for LIFE and Palmetto Fellows Scholarships, that would require general fund  
12 appropriations other than what is specified in Part IA of this act is waived for the current fiscal year.

13 **117.43.** (GP: Sole Source Procurements) The State Fiscal Accountability Authority shall evaluate and determine whether the  
14 written determinations, explanations, and basis for sole source procurements, pursuant to South Carolina Code Section 11-35-1560,  
15 and emergency procurements, pursuant to South Carolina Code Section 11-35-1570, are legitimate and valid reasons for awarding  
16 noncompetitive contracts.

17 **117.44.** (GP: DMV Data) The Department of Motor Vehicles shall provide access, in compliance with all state and federal  
18 privacy protection statutes, to the following data and reports without charge to the South Carolina Department of Transportation:

- 19 (1) all collision data and collision reports;
- 20 (2) registration information used for toll enforcement; and
- 21 (3) driver records of employees or prospective employees.

22 **117.45.** (GP: Parking Fees) State agencies shall not impose additional parking fees or increases in current fees for state  
23 employees during the current fiscal year. This provision does not apply to any college or university.

24 **117.46.** (GP: Facility Rental Fee) The Governor's School for the Arts and Humanities, Governor's School for Science and  
25 Mathematics, Wil Lou Gray Opportunity School, and John de la Howe School are authorized to charge, collect, expend and carry  
26 forward fees charged for facility and equipment rental and registration.

27 **117.47.** (GP: Insurance Claims) Any insurance reimbursement to an agency may be used to offset expenses related to the claim.  
28 These funds may be retained, expended, and carried forward.

29 **117.48.** (GP: Organizational Charts) All agencies, departments and institutions of state government shall furnish to the Human  
30 Resources Division (1) a current personnel organizational chart annually no later than September first of the current fiscal year, or  
31 upon the request of the division and (2) notification of any change to the agency's organizational structure which impacts an  
32 employee's grievance rights within thirty days of such change. The organizational chart shall be in a form prescribed by the Human  
33 Resources Division showing all authorized positions, class title, class code, position number and indications as to whether such  
34 positions are filled or vacant. In addition, the organizational chart shall clearly identify those employees who are exempt from the  
35 State Employee Grievance Procedure Act.

1       **117.49.** (GP: Agencies Affected by Restructuring) Upon restructuring of state agencies by the General Assembly the Department  
2 of Administration is directed to work with affected State agencies in order to phase-in operations of restructured organizations during  
3 the current fiscal year. Restructured organizations should be operating entirely under the revised structure no later than December  
4 thirty-first, of the current fiscal year, unless otherwise directed by law. The department is further directed to work with the affected  
5 agencies in order to identify and facilitate the transfer of any portion of their operations, including transfer of funds during the current  
6 fiscal year, which is affected by the restructured organization adopted by the General Assembly, but which has not already been  
7 accomplished herein. Until sufficient changes can be made to the State's accounting system and the appointment of appropriate  
8 agency heads, the Comptroller General and the State Treasurer shall allow those agencies affected by restructuring to continue  
9 processing documents within the account structure existing on June thirtieth, of the prior fiscal year. Restructured agencies shall  
10 make all the necessary accounting adjustments to complete the transition to the new account structure as soon as possible, but no  
11 later than December thirty-first, of the current fiscal year, unless otherwise directed by law. The Executive Budget Office is directed  
12 to prepare the subsequent detail budget to conform Part IA and corresponding provisos in this act to any restructuring changes that  
13 are ratified.

14       **117.50.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue  
15 to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support  
16 functions with other agencies in order to maximize efficiency and effectiveness.

17       **117.51.** (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer,  
18 county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and  
19 assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-  
20 207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance.  
21 The State Office of Victim Assistance is authorized to conduct an audit which shall include both a programmatic review and financial  
22 audit of any entity or nonprofit organization receiving victim assistance funding based on the referrals from the State Auditor or  
23 complaints of a specific nature received by the State Office of Victim Assistance to ensure that crime victim funds are expended in  
24 accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating  
25 Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the  
26 parameters of Article 15, Chapter 3, Title 16 is an allowable expenditure. Any local entity or nonprofit organization that receives  
27 funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the  
28 State Office of Victim Assistance within thirty days of the budget's approval by the governing body of the entity or nonprofit  
29 organization. Failure to comply with this provision shall cause the State Office of Victim Assistance to initiate a programmatic  
30 review and a financial audit of the entity's or nonprofit organization's expenditures of victim assistance funds. Additionally, the  
31 State Office of Victim Assistance will place the name of the noncompliant entity or nonprofit organization on their website where it  
32 shall remain until such time as they are in compliance with the terms of this proviso. Any entity or nonprofit organization receiving  
33 victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance.  
34 If the State Office of Victim Assistance finds an error, the entity or nonprofit organization has ninety days to rectify the error. An  
35 error constitutes an entity or nonprofit organization spending victim assistance funding on unauthorized items as determined by the  
36 State Office of Victims Assistance. If the entity or nonprofit organization fails to cooperate with the programmatic review and



1 financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty in  
2 the amount of the unauthorized expenditure plus \$1,500 against the entity or nonprofit organization for improper expenditures.  
3 This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity  
4 or nonprofit organization that they are in noncompliance with the provisions of this proviso. All penalties received by the State  
5 Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of  
6 Victim Assistance within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity  
7 or nonprofit organization's subsequent fiscal year appropriation.

8 **117.52.** (GP: H.L. Hunley Museum Location) The General Assembly approves the City of North Charleston as the permanent  
9 site of the H.L. Hunley Museum. This approval is contingent upon the negotiation and execution of necessary contracts between the  
10 State of South Carolina and the City of North Charleston. The Hunley Commission is directed to expend funds from its account to  
11 negotiate and execute contracts on behalf of the State of South Carolina.

12 **117.53.** (GP: Secure Juvenile Confinement) The Attorney General shall review the interpretation of the current policies of the  
13 Department of Public Safety and the Department of Corrections regarding secure juvenile confinement that the departments indicate  
14 may jeopardize federal grant funds. The departments may not implement any changes to the current policies regarding secure juvenile  
15 confinement until the Attorney General considers the departments' interpretation of the federal Juvenile Justice and Delinquency  
16 Prevention Act in regard to the secure holding of juveniles for more than six hours in adult detention facilities that also serve as forty-  
17 eight-hour juvenile holdover facilities. The Attorney General will determine if the departments' interpretation is fair and equitable  
18 and how the local governments and the Department of Juvenile Justice would be impacted, to include any financial considerations.

19 **117.54.** (GP: ISCEDC Funding Transfer) The departments of Mental Health, Disabilities and Special Needs, and Juvenile Justice  
20 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  
21 for Caring for Emotionally Disturbed Children. Funding transfers shall be in the following amounts: Department of Mental Health  
22 - \$595,000, Department of Disabilities and Special Needs - \$379,456, and Department of Juvenile Justice - \$225,000. The transfer  
23 of funds shall be accomplished by September thirtieth of the current fiscal year.

24 **117.55.** (GP: Employee Bonuses) State agencies and institutions are allowed to spend state, federal, and other sources of revenue  
25 to provide selected employees lump sum bonuses, not to exceed three thousand dollars per year, based on objective guidelines  
26 established by the Department of Administration. Payment of these bonuses is not a part of the employee's base salary and is not  
27 earnable compensation for purposes of employee and employer contributions to respective retirement systems. Employees earning  
28 \$100,000 or more shall not be eligible to receive bonuses under this provision. The employing agency must report this information  
29 on or before August thirty-first of each year and must include the total amount and source of the bonus received by the employee  
30 during the preceding fiscal year (July first through June thirtieth). The Human Resources Division of the Department of  
31 Administration shall formulate policies and procedures to ensure compliance with the reporting provisions of this proviso. Copies  
32 of the reports shall be made available to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and  
33 Means Committee, upon request.

34 **117.56.** (GP: FEMA Flexibility) Any appropriation designated as the state share for a federally declared disaster may be carried  
35 forward and used for the same purpose by the Emergency Management Division of the Adjutant General's Office in the event of  
36 additional federally declared disasters. Unallocated funds from established state accounts may be used as the state share in any

1 federally declared disaster. These funds may also be used during a Governor's state of emergency to augment existing state  
2 appropriations of the South Carolina Emergency Management Division (SCEMD). When these funds are used during a Governor's  
3 state of emergency, the allocation of those funds following the event will be determined by the Governor based on the  
4 recommendation of the Adjutant General and the Director of the South Carolina Emergency Management Division.

5 In the event there is a federally declared disaster and state match funds are unavailable, the State Fiscal Accountability Authority  
6 may borrow from any internal account or accounts necessary to maximize federal matching funds through the Emergency  
7 Management Division. Any such borrowing must be reported to the General Assembly within five days. Funds borrowed from  
8 accounts shall be replenished by the General Assembly as soon as practicable.

9 **117.57.** (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption from  
10 sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of sales  
11 and use taxes may be claimed as a result of this provision.

12 **117.58.** (GP: Year-End Financial Statements - Penalties) Agencies, institutions, and other reporting entities required to submit  
13 annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must ~~comply with the~~  
14 ~~submission dates stipulated in the State Auditor's Office audit contract~~ submit final audited financial statements to the Comptroller  
15 General not later than October 1st for those with fiscal year-end June 30th. For institutions and reporting entities with fiscal year-  
16 ends other than June 30th, final audited financial statements must be submitted to the Comptroller General within 120 days of that  
17 fiscal year-end. If the audit was not contracted by the State Auditor's Office, the final audited financial statements are due not later  
18 than October tenth for the prior fiscal year. Each agency that does not comply with the provisions of this provision shall appear before  
19 the Comptroller General, providing an explanation for the delay. The Comptroller General shall provide a written report of each  
20 agency, institution, or other reporting entity not in compliance with this provision to the State Fiscal Accountability Authority by  
21 November 30th.

22 **117.59.** (GP: Purchase Card Incentive Rebates) In addition to the Purchase Card Rebate deposited in the general fund, any  
23 incentive rebate premium received by an agency from the Purchase Card Program may be retained and used by the agency to support  
24 its operations.

25 **117.60.** (GP: Sex Offender Monitoring and Supervision) The funds appropriated to the Department of Probation, Parole and  
26 Pardon Services in Part IA, Section 66, Program II.A.2. for the Sex Offender Monitoring Program and to the Department of Juvenile  
27 Justice in Part IA, Section 67, Program III.A. Special Item: Sex Offender Monitoring are to be used and expended only for GPS  
28 monitoring programs of the departments. In cases of limited funds, monitoring of "Jessie's Law" offenders shall take precedence  
29 over all other GPS programs of the departments. Funds appropriated for this program may not be used for any other purpose or  
30 transferred to any other program. Unexpended funds appropriated for Sex Offender Monitoring may be carried forward and used  
31 for the same purpose. The departments are directed to submit a report to the General Assembly by January fifteenth each year  
32 accounting for the expenditure of the funds including any carry-forward funding; the total costs and per-day costs for equipment,  
33 supervision, and monitoring; the total number of staff assigned to the activity and the average agent caseloads; the amount of funds  
34 collected from sex offenders for both intensive supervision and electronic monitoring; and the anticipated fiscal needs for the  
35 upcoming fiscal year. The report shall also include, but not be limited to, data regarding the number of offenders sentenced to

1 electronic monitoring, including the number sentenced for life; the number of alert notifications received, investigated, and  
2 prosecuted; and the number of offenders returned to prison as a result of electronic monitoring violations.

3 **117.61.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use  
4 taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this  
5 provision.

6 **117.62.** (GP: CID & PCC Agency Head Salaries) All hiring salaries and salary increases for the agency heads of the Commission  
7 on Indigent Defense and the Prosecution Coordination Commission shall be subject to all provisions related to agency heads covered  
8 by the Agency Head Salary Commission.

9 **117.63.** (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Prosecution  
10 Coordination Commission, and the Commission on Indigent Defense, in consultation with the South Carolina Student Loan  
11 Corporation and the Commission on Higher Education, shall develop and implement a Prosecutors and Defenders Public Service  
12 Incentive Program for attorneys employed by the Office of Attorney General, the Prosecution Coordination Commission, the  
13 Commission on Indigent Defense, a Circuit Solicitor's Office or a county Public Defender's Office.

14 After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be  
15 reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law  
16 school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements  
17 shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed  
18 the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue  
19 until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney.  
20 Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

21 The Prosecutors and Defenders Public Service Incentive Program must be administered by the South Carolina Student Loan  
22 Corporation, which shall pay for the cost of administration within the funds appropriated.

23 The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense shall each  
24 compile a report that includes, but is not limited to, the number of applicants and the impact of the program on attracting and retaining  
25 attorneys. The Student Loan Corporation shall compile a report that includes, but is not limited to, the cost of administering the  
26 program as well as the amount of reimbursements per agency or entity. Such reports shall be submitted to the Senate Finance  
27 Committee and the House Ways and Means Committee by September first each fiscal year.

28 Unexpended program funds from the prior fiscal year may be carried forward into the current fiscal year to be used for the same  
29 purpose.

30 **117.64.** (GP: Attorney Dues) Agencies and offices of the State of South Carolina that employ attorneys are authorized, if they  
31 so decide, to use other appropriated funds, including General Fund carry forward funds, to pay the costs of mandatory dues owed to  
32 the South Carolina Bar Association.

33 **117.65.** (GP: Healthcare Employee Recruitment and Retention) The Department of Corrections, Department of Disabilities and  
34 Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of  
35 Juvenile Justice, Department of Mental Health, ~~and~~ Department of Vocational Rehabilitation, and Wil Lou Gray Opportunity School  
36 are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining

1 healthcare workers in critical needs healthcare jobs based on objective guidelines established by the Department of Administration.  
2 The employee bonus amount shall be approved by the State Human Resources Director and shall not exceed \$10,000 per year.  
3 Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and  
4 employer contributions to respective retirement systems.

5 These agencies may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in  
6 healthcare degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

7 These agencies may enter into an agreement with Psychiatrists, Psychologists, and Nurses employed in those positions to repay  
8 them for their outstanding student loans associated with completion of a healthcare degree. The employee must be employed in a  
9 critical needs area, which would be identified at the agency head's discretion. Critical needs areas could include rural areas, areas  
10 with high turnover, or where the agency has experienced recruiting difficulties. Agencies may pay these employees up to twenty  
11 percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made  
12 directly to the employee at the end of each year of employment. The agency will be responsible for verifying the principle balance  
13 of the employee's student loan prior to issuing payments.

14 Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree  
15 may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head.  
16 This field placement at another state agency may be considered work time for participating employees.

17 These agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow  
18 probationary employees to participate in tuition programs; and provide tuition prepayment instead of tuition reimbursement for  
19 employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition  
20 through tuition prepayment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

21 **117.66.** (GP: Governor's Budget Certification) The annual Executive Budget proposed by the Governor must be certified by the  
22 Director of the Revenue and Fiscal Affairs Office or his designee in the same manner as the House Ways and Means and Senate  
23 Finance Committee versions of the budget bill are certified.

24 **117.67.** (GP: Sexually Violent Predator Program) After the Department of Mental Health obtains all necessary project approvals,  
25 the Department of Corrections may utilize inmate labor to perform any portion of the construction of an addition to the Edisto Unit  
26 at the Broad River Correctional Institution, which houses the Department of Mental Health's Sexually Violent Predator Treatment  
27 Program, such addition to be used for additional treatment space and staff offices. For purposes of this project, the Department of  
28 Corrections may exceed the \$350,000 limit on projects for which it may use inmate labor.

29 **117.68.** (GP: Voluntary Furlough) Agency heads may institute a voluntary employee furlough program of not more than ninety  
30 days per fiscal year. During this voluntary furlough, the state employees shall be entitled to participate in the same state benefits as  
31 otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee  
32 contributions, the state agencies, institutions and departments will be responsible for making both employer and employee  
33 contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the  
34 employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General  
35 Assembly transferring or deleting a program, this provision does not apply.

1       **117.69.** (GP: Governor's Security Detail) The State Law Enforcement Division, the Department of Public Safety, and the  
2 Department of Natural Resources shall provide a security detail to the Governor in a manner agreed to by the State Law Enforcement  
3 Division, the Department of Public Safety, the Department of Natural Resources, and the Office of Governor. Reimbursement to the  
4 State Law Enforcement Division, the Department of Public Safety, and the Department of Natural Resources to offset the cost of the  
5 security detail for the Governor shall be made in an amount agreed to by the State Law Enforcement Division, the Department of  
6 Public Safety, the Department of Natural Resources, and the Office of Governor from funds appropriated to the Office of Governor  
7 for this purpose. Law enforcement officers assigned to security detail for the Governor shall only perform services related to security  
8 and shall not provide any unrelated service during the assignment.

9       **117.70.** (GP: Reduction in Force Antidiscrimination) In the event of a reduction in force implemented by a state agency or  
10 institution, the state agency or institution must comply with Title VII of the Civil Rights Act of 1964 or any other applicable federal  
11 or state antidiscrimination laws.

12       **117.71.** (GP: Reduction in Force/Agency Head Furlough) In the event a reduction in force is implemented by a state agency or  
13 institution of higher learning, the agency head shall be required to take five days furlough in the current fiscal year. If more than one  
14 reduction in force plan is implemented in a fiscal year, the mandatory agency head furlough is only required for the initial plan. The  
15 agency head will retain all responsibilities and authority during the furlough. All monies saved from this furlough may be retained  
16 by that agency and expended at the discretion of the agency head. During this furlough, the agency head shall be entitled to participate  
17 in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require  
18 employer and employee contributions, the state agency will be responsible for making both employer and employee contributions if  
19 coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the agency head  
20 remains solely responsible for making those contributions.

21       Placement of an agency head on furlough under this provision does not constitute a grievance or appeal under the State Employee  
22 Grievance Procedure Act. In the event the reduction for the state agency or institution of higher learning is due solely to the General  
23 Assembly transferring or deleting a program, this provision does not apply. Agencies may allocate the agency head's reduction in  
24 pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. The  
25 Department of Administration shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso.  
26 State agencies shall report information regarding furloughs to the Department of Administration.

27       For purposes of this provision, agency head includes the president of a technical college as defined by Section 59-103-5 of the  
28 1976 Code.

29       The agency head of the State Board for Technical and Comprehensive Education shall not be required to take this mandatory  
30 furlough based solely on the implementation of a reduction in force plan by a technical college.

31       An agency head shall not be required to take this mandatory furlough based solely on reductions in force implemented as a result  
32 of federal budget cuts or reorganization to accomplish organizational efficiencies.

33       **117.72.** (GP: Printed Report Requirements) (A) For Fiscal Year ~~2015-16~~ 2016-17, state supported institutions of higher learning  
34 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  
35 instead only submit the documents electronically.

1 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  
2 for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional  
3 examinations, and data elements otherwise required for the Commission on Higher Education Management Information System.  
4 The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

5 (B) For Fiscal Year ~~2015-16~~ 2016-17, the Department of Agriculture shall not be required to submit printed reports mandated by  
6 Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings  
7 for K5-12 agricultural education programs.

8 (C) For Fiscal Year ~~2015-16~~ 2016-17, the Department of Health and Human Services shall not be required to provide printed  
9 copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and shall instead only submit the  
10 documents electronically.

11 (D) For Fiscal Year ~~2015-16~~ 2016-17, the Department of Transportation shall not be required to submit printed reports or  
12 publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

13 The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability  
14 Report.

15 **117.73.** (GP: IMD Operations) All funds received by the Department of Education, the Department of Juvenile Justice, the  
16 Department of Disabilities and Special Needs, the Department of Mental Health, the Department of Social Services, and the  
17 Department of Administration, Office of Executive Policy and Programs-Continuum of Care as State child placing agencies for the  
18 Institution for Mental Diseases Transition Plan (IMD) of the discontinued behavioral health services in group homes and child caring  
19 institutions, as described in the Children's Behavioral Health Services Manual Section 2, dated 7/01/06, shall be applied only for out  
20 of home placement in providers which operate Department of Social Services or Department of Health and Environmental Control  
21 licensed institutional, residential, or treatment programs. An annual report by each state child placing agency shall be made on the  
22 expenditures of all IMD transition funds and shall be provided to the Chairman of the Senate Finance Committee, Chairman of the  
23 House Ways and Means Committee, and the Governor no later than November first each year. The Department of Health and Human  
24 Services shall review the numbers of out of home placements by type and by agency each year and make recommendations to the  
25 General Assembly.

26 **117.74.** (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and  
27 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  
28 that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso  
29 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  
30 source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the general fund, if  
31 applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another entity, if applicable,  
32 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  
33 must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance  
34 Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized  
35 for use by each state agency shall be used to accomplish this directive.

1       **117.75.** (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the  
2 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office  
3 implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough program, in  
4 determining which employees must participate in the program, agency heads should give consideration to furloughs for contract  
5 employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the state  
6 employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries.  
7 As to those benefits which require employer and employee contributions, the state agencies, institutions, and departments will be  
8 responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those  
9 benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the  
10 event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

11       **117.76.** (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the  
12 general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Executive Budget Office  
13 implements a midyear across-the-board budget reduction, and agency heads must make reductions in force, agency heads should  
14 give consideration to reductions of contract employees, post-TERI employees, and TERI employees before other employees. In the  
15 event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply.

16       **117.77.** (GP: Cost Savings When Filling Vacancies Created by Retirements) During the current fiscal year, whenever classified  
17 FTEs become vacant because of employee retirements, it is the intent of the General Assembly that state agencies should realize  
18 personnel costs savings of at least twenty-five percent in the aggregate when managing these vacant positions. Prior to filling a  
19 classified FTE which has become vacant because of a retirement, an agency must review and determine the appropriate salary for  
20 the position as well as determine whether the agency can manage without filling the position or by delay in filling the position. Prior  
21 to filling the vacant FTE, agencies must follow all laws and regulations concerning posting and competitive solicitation and  
22 consideration of applicants. No agency shall enter into any agreement with any employee that violates the terms of this proviso.

23       **117.78.** (GP: Information Technology for Health Care) From the funds appropriated and awarded to the South Carolina  
24 Department of Health and Human Services for the Health Information Technology for Economic and Clinical Health Act of 2009,  
25 the department shall advance the use of health information technology and health information exchange to improve quality and  
26 efficiency of health care and to decrease the costs of health care. In order to facilitate the qualification of Medicare and/or Medicaid  
27 eligible providers and hospitals for incentive payments for meaningful health information technology (HIT) use, a health care  
28 organization participating in the South Carolina Health Information Exchange (SCHIEEx) or a Regional Health Information  
29 Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIEEx may release patient records  
30 and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health care  
31 provider within the scope of his or her license or practice act, to another health information organization that requests the information  
32 via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health information  
33 organization that receives or views this information from a patient's electronic health record or incorporates this information into the  
34 health information organization's electronic medical record for the patient in providing treatment is considered an authorized person  
35 for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

1       **117.79.** (GP: Broadband Spectrum Lease) The General Assembly must approve any exercise of the Middle Band Segment  
2 Channel recapture provisions contained in the Educational Broadband Service Spectrum Lease Agreements if the exercise of the  
3 recapture provisions would result in a decrease in payments received by the State. The Educational Television Commission assumes  
4 management and administration of the lease and receives lease payments directly. The Educational Television Commission shall  
5 retain and expend funds received pursuant to the lease for agency operations. The commission shall be authorized to carry forward  
6 unexpended funds from the prior fiscal year into the current fiscal year. In the event of a default by the current lease holder, the  
7 Educational Television Commission is authorized to use contingent funds up until such time as a new lease can be negotiated by the  
8 State and the Educational Television Commission.

9       **117.80.** (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may  
10 decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn  
11 testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the  
12 Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

13       **117.81.** (GP: Deficit Monitoring) It is the responsibility of each state agency, department, and institution to operate within the  
14 limits of its authorized appropriations. All agencies, departments, and institutions are to budget, allocate and manage its authorized  
15 appropriations in a way to avoid an operating deficit for the fiscal year.

16       If at the end of each quarterly deficit monitoring review by the Executive Budget Office, it is determined by either the Executive  
17 Budget Office or a state agency, department, or institution that the likelihood of a deficit for the current fiscal year exists, the state  
18 agency shall notify the General Assembly within fifteen days of this determination and shall further request the Executive Budget  
19 Office to work with it to develop a plan to avoid the deficit. Within fifteen days of the deficit avoidance plan being completed, the  
20 Executive Budget Office shall either request the General Assembly to recognize the deficit if it determines the deficit avoidance plan  
21 will not be sufficient to avoid a deficit or notify the General Assembly of how the deficit will be avoided based on the deficit  
22 avoidance plan if the Executive Budget Office determines the plan will be sufficient to avoid a deficit.

23       Upon notification from the Executive Budget Office that an agency will run a deficit and requesting that it be recognized, the  
24 General Assembly, by joint resolution, may make a finding that the cause of, or likelihood of, a deficit is unavoidable due to factors  
25 which are outside the control of the state agency, department, or institution, and recognize the deficit. Any legislation to recognize  
26 a deficit must be in a separate joint resolution enacted for the sole purpose of recognizing the deficit of a particular state agency,  
27 department, or institution. A deficit may only be recognized by an affirmative vote of each branch of the General Assembly.

28       If the General Assembly recognizes the deficit, then the actual deficit at the close of the fiscal year must be reduced as necessary  
29 from surplus revenues or surplus funds available at the close of the fiscal year in which the deficit occurs and from funds available  
30 in the General Reserve Fund and the Capital Reserve Fund, as required by the Constitution of this State.

31       Once a deficit has been recognized by the General Assembly, the state agency, department, or institution shall limit travel and  
32 conference attendance to that which is deemed essential by the director of the agency, department, or institution. In addition, the  
33 General Assembly, when recognizing a deficit may direct that any pay increases and purchases of equipment and vehicles must be  
34 approved by the Executive Budget Office.

35       **117.82.** (GP: Commuting Costs) State government employees who use a permanently assigned agency or state-owned vehicle  
36 to commute from their permanently assigned work location to and from the employee's home must reimburse the agency in which



1 they are employed for commuting use in accordance with IRS regulations based on guidance from the Office of Comptroller General  
2 which must use the Cents per mile Rule, unless they are exempted from such reimbursement by applicable IRS regulations. These  
3 permanently assigned vehicles must be clearly marked as a state or agency vehicle through the use of permanent state-government  
4 license plates and either state or agency seal decals unless the vehicle is used primarily in undercover operations. This requirement  
5 does not apply to a vehicle used by an employee for the purpose of a special travel assignment, for active certified law enforcement  
6 officers authorized to carry firearms, execute warrants, and make arrests, for Constitutional Officers, or for Department of  
7 Transportation employees on call for emergency maintenance.

8 **117.83.** (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning,  
9 which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller  
10 General's South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the  
11 account in the prior fiscal year. The report shall be submitted to the State Fiscal Accountability Authority by October first of each  
12 fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each  
13 account, the name and title of each person responsible for reconciling each account, the beginning and year-end balance of funds in  
14 each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the  
15 date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of  
16 the goods or services purchased for each expenditure transaction. To facilitate review, the State Fiscal Accountability Authority  
17 shall prescribe a common format for the report which agencies must use. In order to promote accountability and transparency, a link  
18 to the report shall be posted on the Comptroller General's website as well as the agency's homepage.

19 When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must be  
20 included as part of the review.

21 If an agency determines that the release of the information required in this provision would be detrimental to the state or the  
22 agency, the agency may petition the State Fiscal Accountability Authority to grant the agency an exemption from the reporting  
23 requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed.  
24 However, the exemption may only be granted upon a majority vote of the State Fiscal Accountability Authority in a public meeting.

25 **117.84.** (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its  
26 Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts  
27 on its Internet website that agency, department, or institution's monthly state procurement card statements or monthly reports  
28 containing all or substantially all the same information contained in the monthly state procurement card statements. The link must  
29 be to the specific webpage or section on the website of the agency where the state procurement card information for the state agency,  
30 department, or institution can be found. The information posted may not contain the state procurement card number. Any  
31 information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting  
32 required by this section.

33 **117.85.** (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine,  
34 or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or  
35 revenue source is being proposed.

1       **117.86.** (GP: Joint Children’s Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate  
2 of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, \$300,000 shall be  
3 transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other  
4 operating expenses as directed in Section 63-1-50 of the 1976 Code. Funds transferred to the University of South Carolina for the  
5 Joint Citizens and Legislative Committee on Children shall be maintained in a separate and distinct account. A detailed report of all  
6 expenditures shall be made to the Executive Budget Office within thirty days of the close each fiscal quarter, and the Executive  
7 Budget Office shall distribute this information to the Chairman of the Senate Finance Committee and the Chairman of the House  
8 Ways and Means Committee. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile  
9 Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be  
10 retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The  
11 rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 93.7.

12       **117.87.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a  
13 state or local government employee or former state or local government employee (“government employee”) is personally sued for  
14 civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to  
15 trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within  
16 the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee’s  
17 official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government  
18 employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect  
19 to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee  
20 was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and  
21 paying, respectively, any claims that the provider has contractually agreed to defend and pay.

22       **117.88.** (GP: Recovery Audits) The State Fiscal Accountability Authority shall contract with one or more firms to conduct  
23 recovery audits of payments made by all state agencies to vendors for goods and services. The audits must be designed to detect,  
24 document, and recover overpayments and erroneous payments to the vendors and to recommend improved financial and operational  
25 practices and procedures. A state agency shall pay, from recovered monies received, the recovery audit firm responsible for obtaining  
26 for the agency a reimbursement or payment from a vendor a negotiated fee not to exceed twenty percent of the funds recovered by  
27 that firm.

28       Unless otherwise restricted by law, funds recovered, less the cost of recovery, shall be remitted to a special fund subject to  
29 appropriation by the General Assembly. Agencies may recover costs that are documented to be directly related to implementation  
30 of this provision.

31       Recovery audits apply only to payments made more than one hundred eighty days prior to the date the audit is initiated and shall  
32 cover at least three complete fiscal years.

33       All information provided under a contract must be treated as confidential by the recovery audit firm. A violation of this provision  
34 shall result in the forfeiture by the firm of all compensation under the contract and to the same sanctions and penalties that would  
35 apply to that disclosure.

1 Each state agency shall participate in this recovery audit program and shall cooperate and provide the recovery audit firm with all  
2 information necessary for the audit in a timely manner. All vendors that provide goods or services to a state agency shall cooperate  
3 with the recovery audit firm in its audit.

4 A state agency shall expend or return to the federal government any federal money that is recovered through a recovery audit  
5 conducted under this provision. Payments to the recovery audit firm from the federal share of recovered funds shall be solely from  
6 the federal portion as allowed by the federal agency.

7 In addition to performing the recovery audits, the recovery audit firm may conduct an analysis of contracts and pricing structures,  
8 as determined and directed by the Executive Director of the State Fiscal Accountability Authority or her or his designee, to identify  
9 and recommend future cost-savings and improved state agency financial operations going forward. A state agency shall pay the  
10 recovery audit firm responsible for obtaining the agency actual cost-savings a fee as authorized by the contract with the recovery  
11 audit firm.

12 The recovery audit firm shall provide reports to the State Fiscal Accountability Authority detailing its findings, the causes for the  
13 overpayments and erroneous payments, future cost-savings opportunities and its recommendations for strengthening state operations  
14 and/or state contracts to prevent improper payments in the future.

15 For purposes of this proviso, the term “vendor” or “vendors” includes, but is not limited to, sellers, suppliers, service providers,  
16 other providers, contractors and third party administrators; the term “overpayments and erroneous payments” includes, but is not  
17 limited to, overpayments, duplicate payments, erroneous payments, and rebates, discounts and credits not received; and the term  
18 “state agency” or “state agencies” includes all state agencies, boards, commissions, institutions and institutions of higher education.

19 The State Fiscal Accountability Authority shall provide copies, including electronic form copies, of final reports received from a  
20 firm under contract to: the Governor; the Chairman of the Senate Finance Committee; the Chairman of the House Ways and Means  
21 Committee; and the state auditor’s office. Not later than January first of each year, the board shall issue a report to the General  
22 Assembly summarizing the contents of all reports received under this provision during the prior fiscal year.

23 **117.89.** (GP: Funds Transfer to ETV) In the current fiscal year funds appropriated in Part IA to the Department of Administration  
24 Section 93 for Legislative and Public Affairs Coverage and Emergency Communications Backbone and to the Law Enforcement  
25 Training Council in Section 64 for State and Local Training of Law Enforcement, City and County municipal training services must  
26 be transferred to the Educational Television Commission (ETV) during July ~~2015~~ 2016 for the continuation of services as provided  
27 in the prior fiscal year.

28 **117.90.** (GP: Opt Out of Federal Patient Protection and Affordable Care Act) If federal law permits, the State of South Carolina  
29 opts out of the following provisions in the federal Patient Protection and Affordable Care Act (Public Law 111-148):

- 30 (1) Subtitles A through C of Title I (and the amendments made by such subtitles), except for Sections 1253 and 1254;
- 31 (2) Parts I, II, III, and V of subtitle D of Title I (and the amendments made by such parts);
- 32 (3) Part I of subtitle E of Title I (and the amendments made by such part);
- 33 (4) Subtitle F of Title I (and the amendments made by such subtitle);
- 34 (5) Sections 2001 through 2006 (and the amendments made by such sections); and
- 35 (6) Sections 10101 through 10107 (and the amendments made by such sections).

1       **117.91.** (GP: Means Test) All agencies providing Healthcare Services are directed to identify standards and criteria for means  
2 testing on all programs provided, where allowed by Federal guidelines. Once a consistent criteria has been established within an  
3 agency, they shall implement their respective plans. Each agency shall report all criteria and fiscal data to the Chairman of the Senate  
4 Finance Committee and to the Chairman of the House Ways and Means Committee no later than January 1, ~~2014~~ 2017.

5       **117.92.** (GP: Agency Reduction Management) The General Assembly encourages state agencies, in the event agencies are  
6 assessed a base reduction, to endeavor to realize savings through: (1) payroll management, including, but not limited to, furloughs,  
7 reductions in employee compensation, and instituting a hiring freeze; (2) eliminate administrative overhead cost that does not directly  
8 impact the agency's mission; and as a final option (3) reductions to programmatic funding.

9       **117.93.** (GP: WIA Service Advertising) For Fiscal Year ~~2014-15~~ 2016-17, the Workforce Investment Boards may promote  
10 outreach for their services via billboard, bus placard, newspapers, or radio in all workforce investment areas. This outreach may not  
11 be limited to e-mail, online, or other internet-based outreach, publicity, or other promotions. Workforce investment boards must  
12 adhere to all state procurement policies and procedures when utilizing outreach for the services provided by the Workforce  
13 Investment Act.

14       **117.94.** (GP: WIA Training Marketability Evaluation) (A) For Fiscal Year ~~2014-15~~ 2016-17, the Department of Employment  
15 and Workforce shall submit a report that demonstrates how funds were expended in the prior fiscal year to provide marketable work  
16 skills training. The report shall include, but not be limited to the total number of local training recipients, a description of the training  
17 area in which each recipient participated, and the number and percentage of participants in each training area that, upon completion  
18 of training, have become employed in the field in which they were trained. The report shall be submitted to the Chairman of the  
19 Senate Finance Committee, the Chairman of the Senate Labor, Commerce and Industry Committee, the Chairman of the House Ways  
20 and Means Committee, and the Chairman of the House Labor, Commerce and Industry Committee on or before November sixteenth.

21       (B) Also, the report must specifically describe any restructuring or realignment of agency functions, and any changes in staffing  
22 levels or service. The report must detail information on employees terminated, hired, re-hired, reassigned, or reclassified by program  
23 area and location. Further, the report must describe efforts made by the agency to reassign or retrain employees who were terminated  
24 for positions for which the department hired new employees.

25       **117.95.** (GP: Victims Assistance Transfer) The Department of Corrections shall transfer \$20,500 each month to the Department  
26 of Public Safety for distribution through the State Victims Assistance Program.

27       **117.96.** (GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the  
28 Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to  
29 consolidate the functions of the departments.

30       **117.97.** (GP: USC Greenville Medical School) It is the intent of the General Assembly that during Fiscal Year ~~2014-15~~ 2016-  
31 17, no general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition,  
32 no state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical  
33 school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical  
34 school at the University of South Carolina in Greenville that are specifically designated for the medical school at the University of  
35 South Carolina in Greenville.

1       **117.98.** (GP: First Steps - BabyNet) In addition to the statutory duties assigned to South Carolina First Steps to School Readiness  
2 Board of Trustees; the board shall ensure the state's compliance with the Individuals with Disabilities Act, Part C and the First Steps'  
3 full implementation of recommendations contained in the 2011 audit report of the LAC regarding the BabyNet Program. First Steps  
4 shall submit any necessary statutory changes to the Chairman of the House Education and Public Works Committee and the Chairman  
5 of the Senate Education Committee and any budget recommendations in the agency's budget request as submitted to the Governor.  
6 Until completion, First Steps shall post on its' website a quarterly report on the timelines of its progress in implementing the  
7 recommendations of the LAC. The Board of Trustees will be kept informed monthly of all activities related to this requirement and  
8 those progress reports must be recorded in the minutes for each meeting of the Board of Trustees. When First Steps has implemented  
9 all of the recommendations enumerated above, a final report shall be submitted to the Board of Trustees for its' adoption. Upon  
10 approval by the Board of Trustees, the final report shall be published on First Steps' homepage. First Steps to School Readiness, the  
11 School for the Deaf and Blind, the Department of Disabilities and Special Needs, the Department of Health and Human Services, the  
12 Department of Mental Health and the Department of Social Services shall each provide on a common template developed by the  
13 agencies, a quarterly report to the Chairman of the House Ways and Means Committee and the Chairman of Senate Finance outlining  
14 all programs provided by them for BabyNet; all federal funds received and expended on BabyNet and all state funds expended on  
15 BabyNet. Each entity and agency shall report on its share of the state's ongoing maintenance of effort as defined by the US  
16 Department of Education under IDEA Part C.

17       **117.99.** (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit,  
18 state agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a schedule  
19 of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August fifteenth of each year.

20       **117.100.** (GP: Prohibits Local Government Fund Public Funded Lobbyists) All local governmental entities including, but not  
21 limited to, counties, municipalities, and associations are prohibited from using taxpayer funds received from the Local Government  
22 Fund to compensate employees for lobbying activities engaged in on behalf of such governmental entity.

23       **117.101.** (GP: School Construction Development Impact Fee Assessment Prohibition) Governmental entities are prohibited from  
24 assessing South Carolina Development Impact Fees on the construction of new elementary, middle, or secondary schools. If a  
25 governmental entity violates this prohibition it shall have its Aid to Subdivisions Allocation reduced by the amount of the impact  
26 fee.

27       ~~**117.102.** (GP: Sexually Violent Predator Treatment RFP) The Director of the Department of Mental Health and the Director of  
28 the Department of Corrections shall cooperate with the State Fiscal Accountability Authority, Division of Procurement Services  
29 which shall develop and cause to be issued a Request for Proposals (RFP) seeking long term solutions for securely housing and  
30 treating the growing population of individuals adjudicated as Sexually Violent Predators and civilly committed to the Department of  
31 Mental Health pursuant to the Sexually Violent Predators Act.~~

32       ~~The purpose of the RFP shall be to seek proposals from qualified private providers to provide secure housing and treatment services  
33 to all individuals civilly committed pursuant to the Sexually Violent Predators Act.~~

34       ~~As part of the process, the Department of Mental Health, the Department of Corrections, and the State Fiscal Accountability  
35 Authority shall provide up to date information concerning the current operation of the program and shall provide information about  
36 suitable state owned real property. The RFP shall be issued on or before October 31, 2013.~~

1 The RFP shall be worded broadly to allow respondents to propose creative and cost-effective long-term solutions for the operation  
2 of this program in order to address the issues raised in Proviso 23.15 of the 2012-13 State Appropriations Act and the resulting  
3 January 3, 2013, Report on the SVP Program issued by the Department of Mental Health and the Department of Corrections.

4 In addition to treatment services, respondents shall be allowed, but not required, to propose a single source solution with  
5 responsibility for all aspects of the program including but not limited to housing, security, food, clothing, health care, transport, and  
6 treatment services. The RFP shall allow for, but not require, respondents to include in their responses the use of other private or  
7 public partners (subcontractors) and/or the lease or use or purchase of state owned real property.

8 The selected contractor may be authorized to sponsor the issuance of tax exempt certificates of participation or other finance  
9 solutions to fund the project and the state is authorized to enter into a lease/purchase agreement for the necessary replacement  
10 facilities.

11 **117.103.** (GP: Prohibit Use of State Aircraft for Athletic Recruitment) Institutions of higher learning may use the state aircraft  
12 operated by the Division of Aeronautics for the purpose of athletic recruiting, provided that they reimburse the Division of  
13 Aeronautics for all flight hours on an at cost basis, using non-general funds.

14 To ensure availability of the aircraft for purposes of economic development, the Department of Commerce shall have first right of  
15 refusal in the event of scheduling conflicts with athletic recruiting flights.

16 **117.104.** (GP: Recreational Activities) Two counties that receive an allocation from the Local Government Fund may enter into  
17 a Memorandum of Understanding in order to provide recreational activities and projects that benefit the citizens of both counties.

18 **117.105.** (GP: Technology and Remediation) The funds appropriated to the Department of Administration for the Division of  
19 Information Security shall be used to develop and implement a statewide information security program. A portion of the nonrecurring  
20 funds may be used for enterprise technology and remediation, and distributed to state agencies to address the State's most serious  
21 information security vulnerabilities as determined by the Division of Information Security and the Division of Technology  
22 Operations. Funds appropriated for Enterprise Technology and Remediation shall be excluded from the Department of  
23 Administration's base budget calculation of any across-the-board agency base reduction mandated by the Executive Budget Office  
24 or the General Assembly. Unexpended Enterprise Technology and Remediation funds may be carried forward from the prior fiscal  
25 year and used for the same purpose.

26 **117.106.** (GP: Donation of Alcoholic Liquors) In the current fiscal year, a wholesaler may donate beer, wine, and alcoholic liquors  
27 to a nonprofit organization that has a license, including a temporary license, to serve the applicable beverage. This provision only  
28 applies if the event hosted by the nonprofit organization creates an economic impact on State revenues.

29 **117.107.** (GP: Data Breach Notification) (A) An agency of this State owning or licensing computerized data or other data that  
30 includes personal identifying information shall disclose any breach of the security of the system following discovery or notification  
31 of the breach in the security of the data to any resident of this State whose personal identifying information was, or is reasonably  
32 believed to have been, acquired by an unauthorized person. In determining whether information has been acquired, or is reasonably  
33 believed to have been acquired, by an unauthorized person or a person without valid authorization, the agency may consider the  
34 following factors, among others:

35 (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or  
36 stolen computer or other device containing information;

1 (2) indications that the information has been viewed, downloaded, or copied; or

2 (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of  
3 reported identity theft.

4 (B) An agency maintaining computerized data or other data that includes personal identifying information that the agency does  
5 not own shall notify the owner or licensee of the information of a breach of the security of the data immediately following discovery,  
6 if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.

7 (C) The disclosure requirements of subsections (A) and (B) must be made in the most expedient time possible and without  
8 unreasonable delay; however, the notification required by this section may be delayed if a law enforcement agency determines that  
9 the notification impedes a criminal investigation and must be made after the law enforcement agency determines that it no longer  
10 compromises the investigation. A delay in notification shall not exceed seventy-two hours after discovery, unless the agency requests  
11 and the attorney general grants, in writing, additional delays of up to seventy-two hours each upon a determination that such  
12 notification impedes a criminal investigation.

13 (D) For purposes of this section:

14 (1) "Agency" means any agency, department, board, commission, committee, or institution of higher learning of the State  
15 or a political subdivision of it.

16 (2) "Breach of the security of the system" means unauthorized access to and acquisition of computerized data that was not  
17 rendered unusable through encryption, redaction, or other methods that compromise the security, confidentiality, or integrity of  
18 personal identifying information maintained by the agency, when illegal use of the information has occurred or is reasonably likely  
19 to occur or use of the information creates a material risk of harm to the consumer. Good faith acquisition of personal identifying  
20 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  
21 personal identifying information is not used or subject to further unauthorized disclosure.

22 (3) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis,  
23 regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information  
24 on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate  
25 commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by  
26 the Department of Consumer Affairs and furnished upon request to the agency required to make a notification under this section.

27 (4) "Personal identifying information" means the first name or first initial and last name in combination with and linked to  
28 any one or more of the following data elements that relate to a resident of this State, when the data elements are neither encrypted  
29 nor redacted or when the data elements are encrypted with an encryption key and the encryption key that has also been acquired:

30 (a) social security number;

31 (b) driver's license number or state identification card number issued instead of a driver's license;

32 (c) financial account number, or credit card or debit card number in combination with any required security code, access  
33 code, or password that would permit access to a resident's financial account; or

34 (d) other numbers or information which may be used to access a person's financial accounts or numbers or information  
35 issued by a governmental or regulatory entity that uniquely will identify an individual.

1 The term does not include information that is lawfully obtained from publicly available information, or from federal, state, or local  
2 government records lawfully made available to the general public.

3 (E) The notice required by this section may be provided by:

4 (1) written notice;  
5 (2) electronic notice, if the agency's primary method of communication with the individual is by electronic means, the  
6 person to whom notice is required has expressly consented to receiving said notice in electronic form, or is consistent with the  
7 provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 USC and Chapter 6, Title 26 of the 1976  
8 Code;

9 (3) telephonic notice; or

10 (4) substitute notice, if the agency demonstrates that the cost of providing notice exceeds two hundred fifty thousand dollars  
11 or that the affected class of subject persons to be notified exceeds five hundred thousand or the agency has insufficient contact  
12 information. Substitute notice consists of:

13 (a) e-mail notice when the agency has an e-mail address for the subject persons;

14 (b) conspicuous posting of the notice on the agency's website page, if the agency maintains one; or

15 (c) notification to major statewide media.

16 Regardless of the method by which notice is provided, such notice shall include contact information for the agency making the  
17 notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person  
18 without valid authorization, including specification of which of the elements of personal information and private information were,  
19 or are reasonably believed to have been, so acquired.

20 (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  
21 remedies available at law, may:

22 (1) institute a civil action to recover damages;

23 (2) seek an injunction to enforce compliance; and

24 (3) recover attorney's fees and court costs, if successful.

25 (G) An agency that knowingly and willfully violates this section is subject to an administrative fine up to one thousand dollars  
26 for each resident whose information was accessible by reason of the breach, the amount to be decided by the Department of Consumer  
27 Affairs.

28 (H) If the agency provides notice to more than one thousand persons at one time pursuant to this section, the agency shall notify,  
29 without unreasonable delay, the Consumer Protection Division of the Department of Consumer Affairs and all consumer reporting  
30 agencies that compile and maintain files on a nationwide basis, as defined in 15 USC Section 1681a(p), of the timing, distribution,  
31 and content of the notice.

32 **117.108.** (GP: State Ports Authority Property) ~~The State Ports Authority shall transfer fifty acres of its real property on Daniel~~  
33 ~~Island to the Department of Parks, Recreation and Tourism, which shall ensure, in the manner it deems appropriate, that the property~~  
34 ~~is used for public recreation activities.~~ If the State Ports Authority has not completed the sale of its remaining real property on Daniel  
35 Island and Thomas (St. Thomas) Island, except for the dredge disposal cells that are needed in connection with the construction of  
36 the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance,



1 by June 30, ~~2016~~ 2017, the authority must transfer the property to the Department of Administration. The authority shall sell the  
2 real property under terms and conditions it considers most advantageous to the authority and the State of South Carolina.

3 **117.109** (GP: Remittance of Court Fee and Fine Money) County and city treasurers are required to remit to the State Treasurer  
4 set percentages of revenues generated by assessments imposed by 14-1-206(A), 14-1-207(A), 14-1-208(A). This remittance is  
5 required on a monthly basis by the 15th day of each month.

6 Should a county and/or city treasurer fail to make the required remittance, the SC Criminal Justice Academy shall cease providing  
7 services to all law enforcement officers of all law enforcement agencies encompassed within the political subdivision if they have  
8 failed to make remittance for two consecutive months in a fiscal year. The finance director shall certify by July first, under oath, that  
9 the county and/or city has remitted all funds or the SC Criminal Justice Academy shall withhold services until such time as remittance  
10 is made.

11 **117.110.** (GP: Detailed Expenditure/Revenue Reports PCC/CID) The Prosecution Coordination Commission and the Commission  
12 on Indigent Defense shall provide detailed expenditure reports and associated revenue streams for each individual circuit, revenue  
13 streams shall include, but not be limited to, state funds, local funds, Federal funds, and also nongovernmental sources of funds, by  
14 no later than September first, on the prior fiscal year, to the appropriate commission. The commissions shall then provide the  
15 Chairman of the House Ways and Means Committee and Chairman of the Senate Finance Committee with a combined report by  
16 September fifteenth of the current fiscal year.

17 **117.111.** (GP: South Carolina Welcome Centers) The Department of Parks, Recreation and Tourism and the Department of  
18 Transportation shall maintain a Memorandum of Understanding (MOU) that provides that the Department of Parks, Recreation and  
19 Tourism shall control operations of all South Carolina Welcome Centers. The MOU shall include replacement, renovation and  
20 maintenance of the facilities, daily operations, and grounds maintenance and upkeep and shall clearly define responsibility for  
21 additional portions of Welcome Centers to include paving and sidewalks. The Department of Transportation shall transfer to the  
22 Department of Parks, Recreation and Tourism the amount of \$3,313,560 less any state funds appropriated by the General Assembly  
23 for the same purpose. The Department of Parks, Recreation and Tourism assumes responsibility for this amount and the timing of  
24 the transfer of these funds shall be defined as part of the MOU. The funds transferred to the Department of Parks, Recreation and  
25 Tourism shall be placed in a separate and distinct fund and these funds shall be carried forward from the prior fiscal year into the  
26 current fiscal year and be expended for the same purposes.

27 **117.112.** (GP: Continuation of Teen Pregnancy Prevention Project Accountability) Qualifying organizations applying for General  
28 Funds provided as a special item in this act and titled Continuation of Teen Pregnancy Prevention must include in its application a  
29 proposed annual budget and agreement to provide quarterly reports to the grantor state agency detailing the expenditure of funds and  
30 the project's accomplishments which shall include:

31 (1) Financial:

32 (a) Personnel costs, including employer contributions, by position for each of the following areas: administration,  
33 training, and education, as well as for other positions as identified;

34 (b) Operational costs identified in the application;

35 (c) One-time costs over \$500 for such items as supplies;

1 Administration costs may not exceed ten percent of the total project budget. For purposes of this provision, "Administration"  
2 is defined as expenses other than educational.

- 3 (2) Description of program and curriculum to be used;
- 4 (3) Description of training;
- 5 (4) Schedule and brief description of project activities for each quarter;
- 6 (5) Participation reports on the following:
  - 7 (a) Number of persons who participated;
  - 8 (b) Total number of hours provided;
  - 9 (c) Number of train the trainer events;
  - 10 (d) Other data regarding the activities of the project;
- 11 (6) Description of the project evaluation to be used;
- 12 (7) Copy of latest completed independent financial audit and agency's response to any audit exceptions;
- 13 (8) Qualifications of project personnel;
- 14 (9) Best Practices to be used; and
- 15 (10) Evidence Based Curriculum.

16 An organization awarded a grant must provide these quarterly reports to the grantor state agency within fifteen days of the end of  
17 each quarter. Grantees failing to submit reports with thirty days of the end of each quarter shall have their grant terminated.

18 Unexpended funds for Continuation of Teen Pregnancy Prevention projects under the Department of Social Services or under the  
19 Department of Health and Environmental Control shall be carried forward for the purpose of fulfilling the department's contractual  
20 agreement.

21 **117.113.** (GP: Charleston & Dorchester County Sound Barriers) From the funds authorized to the Department of Transportation,  
22 the department shall take the appropriate measures to allow the counties of Charleston and Dorchester to construct sound barriers in  
23 the department's easements along Interstate 26 within the borders of Charleston County and along Dorchester Road within Dorchester  
24 County, provided, no funds appropriated or authorized in Part IA to the Department of Transportation, any other section of this act,  
25 any Federal Funds, unless otherwise agreed to by the local Metropolitan Planning Organization or Council or Governments for use  
26 of a portion of their annual federal allocation, or any Other Funds, shall be used in the construction of the sound barriers, and only  
27 local dollars shall be used in the construction of sound barriers. The sound barriers must meet the state and federal noise abatement  
28 guidelines and must be constructed to meet any and all state and federal regulations. Consistent with the requirements of Section  
29 57-25-190 (E) of the 1976 Code, or regulations adopted pursuant thereto, including construction by a local government in a state  
30 right of way, the owner of a legally erected and maintained billboard shall have the option to relocate such billboard sign to another  
31 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  
32 restores the visibility of the billboard sign to the same or comparable visibility as before construction of a sound barrier. Costs for  
33 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  
34 the local government. The provisions of Section 39-14-10 et seq. of the 1976 Code will apply regarding any compensation to be  
35 paid by local governments for billboard signs which cannot be relocated or altered.

1       **117.114.** (GP: Information Technology and Information Security Plans) (A) By October 1, ~~2015~~ 2016, all state agencies must  
2 submit an information technology plan and an information security plan for Fiscal Year ~~2015-16~~ 2016-17 to the Department of  
3 Administration. State agencies must submit updates to their plans if there are changes following initial submission. Changes that  
4 would necessitate an updated plan include, but are not limited to, changes in response to technological advancements, changes in  
5 legislation, regulation or compliance requirements, newly identified funding sources, or new issues relating to information  
6 technology management or business requirements.

7       The information technology plans required by this section shall be in the form and level of detail required by the department  
8 and shall include at least: (1) the information technology objectives of the state agency; (2) an inventory of the state agency's  
9 information technology; (3) any performance measures used by the state agency for implementing its information technology  
10 objectives; (4) how the state agency's development of information technology coordinates with other governmental entities; (5) the  
11 state agency's budget plans for information technology for the coming fiscal year which must include: (a) all fixed, recurring  
12 information technology costs, regardless of funding sources; (b) new information technology expenditures for services, hardware  
13 upgrades/replacements and software purchases, regardless of funding sources; (c) new information technology projects, regardless  
14 of funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all  
15 information technology personnel, regardless of funding sources; and (6) the state agency's need for appropriations for information  
16 technology.

17       The information security plans required by this section shall be in the form and level of detail required by the division and  
18 shall include at least: (1) the information security objectives of the state agency; (2) an inventory of the state agency's information  
19 security technology; (3) a profile of the state agency's compliance with security policies established by the division; (4) a profile of  
20 the state agency's sensitive data and a description of applicable state and federal privacy requirements; (5) a profile of risk  
21 management and other measures taken by the state agency to protect its data from unauthorized access and disclosure; (6) the state  
22 agency's budget plans for information security for the coming fiscal year which must include: (a) all fixed, recurring information  
23 security technology costs, regardless of funding sources; (b) new information security expenditures for services hardware  
24 upgrades/replacements and software purchases, regardless of funding sources; (c) new information security projects, regardless of  
25 funding sources; and (d) FTE counts, temporary personnel counts, and salary information and position descriptions for all information  
26 security personnel, regardless of funding sources; and (7) the state agency's need for appropriations for information security.

27       (B) The director of the Department of Administration should seek advice from private and public sector resources on the efficient  
28 use of information technology and best practices.

29       (C) The Judicial Department, Legislative Department, public institutions of higher learning, technical colleges, political  
30 subdivisions and quasi-governmental bodies are specifically exempt from the requirements as provided in this proviso.

31       **117.115.** (GP: SCOIS Transfer) For Fiscal Year ~~2015-16~~ 2016-17, the South Carolina Occupational Information System, its  
32 authority, and responsibilities, ~~FTE's and funding~~ shall continue to be transferred from the Department of Employment and  
33 Workforce to the Department of Education. ~~The Department of Administration and the Office of the Comptroller General shall~~  
34 ~~facilitate and coordinate this transfer.~~

1       **117.116.** (GP: PEBA Fiduciary Audit) For the current fiscal year, the provisions of Section 9-4-40 requiring the Inspector General  
2 to employ a private audit firm to perform the fiduciary audit on the Public Employee Benefit Authority as required by Section 9-4-  
3 40 of the 1976 Code shall be suspended.

4       **117.117.** (GP: ABLE Savings Expense Fund) For the current fiscal year, the South Carolina ABLE Saving Expense Fund is  
5 established in the Office of the State Treasurer to allow for tax-exempt savings accounts for disability-related expenses for '*eligible*  
6 individuals' *as defined in Section 529A(e)(1) of the federal Internal Revenue Code of 1986, as amended as being entitled to benefits*  
7 *based on blindness or disability under Title II or XVI of the Social Security Act, or individuals with a disability certification, which*  
8 *must state that "the individual has a medically determinable physical or mental impairment, which results in marked and severe*  
9 *functional limitations, and which can be expected to result in death or which has lasted or can be expected to last for a continuous*  
10 *period of not less than 12 months," or is blind. The certification must include the diagnosis and be signed by a physician.*

11       *As the administrator of the ABLE Fund, the State Treasurer may develop, implement and administer the ABLE Fund in a manner*  
12 *consistent with Section 529A of the federal Internal Revenue Code of 1986, as amended and the authorizing legislation. The*  
13 *Treasurer will establish the methods by which the funds held in accounts will be collected, invested and disbursed. The Treasurer*  
14 *may charge and collect administrative fees and service charges in connection with any agreement or transaction relating to the*  
15 *program, including an annual account maintenance fee. All expenses incurred by the State Treasurer in developing and*  
16 *administering the ABLE Savings Program must be payable from the South Carolina ABLE Savings Expense Fund. Additionally, the*  
17 *Treasurer may engage financial institutions or other qualified entities to serve as program manager for the ABLE Fund.*

18       *An ABLE account within the ABLE Fund must be opened by the eligible individual or an authorized agent, trustee or guardian for*  
19 *the beneficiary. Account opening will require the Treasurer to collect information about the eligible individual and may require the*  
20 *Treasurer to share information with the Social Security Administration in the future. Account opening details, such as maximum*  
21 *contributions annually and over time, will be established by the ABLE Fund and will be in compliance with Section 529A of the*  
22 *Internal Revenue Code.*

23       *Funds in an account will be exempt from attachment, garnishments and other creditor claims against the contributor and the*  
24 *beneficiary. These funds will also be disregarded for purposes of determining eligibility for any State public assistance, including*  
25 *Medicaid. However, upon the death of a beneficiary, funds remaining in an account maybe be recovered by the South Carolina*  
26 *Department of Health and Human Services in an amount equal to Medicaid benefits previously paid on behalf of the beneficiary.*

27       *None of the accounts established by and for an eligible individual create an obligation by the State, the State Treasurer or any*  
28 *agency or instrumentality of South Carolina. There are no guarantees with regard to return of principal, a rate of return on*  
29 *investments or any payment of interest or other earnings.*

30       *Contributions to a trust account within the Fund by a South Carolina taxpayer will be entitled to a state income tax deduction,*  
31 *subject to any limits on contributions imposed by the Internal Revenue Code. Income earned on investments in a trust account will*  
32 *be deferred from federal and South Carolina taxation while they remain in the account, and will be exempt from federal and South*  
33 *Carolina taxation as long as the funds are used for Qualified Withdrawals. The earnings portion of withdrawals that are used for*  
34 *nonqualified purposes will be subject to federal and South Carolina taxation and any South Carolina income tax deductions taken*  
35 *previously will be recaptured.*

1       **117.118.** (GP: Employee Compensation) The amounts appropriated to ~~the Department of Administration~~ *F300-Statewide*  
2 *Employee Benefits* for Employee Pay Increases must be allocated by the ~~department~~ *Department of Administration, Executive Budget*  
3 *Office* to the various state agencies to provide for employee pay increases in accordance with the following plan:

4       (1) With respect to classified and non-judge judicial classified employees, effective on the first pay date that occurs on or after  
5 July first of the current fiscal year, the compensation of all classified employees shall be increased by ~~zero~~ *one* percent.

6       (2) With respect to unclassified and non-judge judicial unclassified employees or unclassified executive compensation system  
7 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  
8 the compensation of all unclassified employees shall be increased by ~~zero~~ *one* percent. Any employee subject to the provisions of  
9 this paragraph shall not be eligible for compensation increases provided in paragraphs 1, 3, 4, 5, or 6.

10       (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  
11 Agency Head Salary Commission, shall receive an annualized base pay increase of ~~zero~~ *one* percent.

12       (4) With respect to local health care providers compensation increases shall be ~~zero~~ *one* percent effective on the first pay date  
13 that occurs on or after July first of the current fiscal year. With respect to Area Agencies on Aging funded by the Lieutenant  
14 Governor's Office on Aging, compensation shall be increased by ~~zero~~ *one* percent effective on the first pay date that occurs on or  
15 after July first of the current fiscal year. With respect to local councils on aging or local providers of services funded by the Lieutenant  
16 Governor's Office on Aging through Area Agencies on Aging, no pay increases will be allowed. School Bus Driver salary and fringe  
17 funding to school districts shall be increased by ~~zero~~ *one* percent.

18       (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  
19 officers shall receive an annualized base pay increase of ~~zero~~ *one* percent.

20       (6) Effective on the first pay date that occurs on or after July first of the current fiscal year, county auditors and county  
21 treasurers shall receive an annualized base pay increase of ~~zero~~ *one* percent.

22       (7) *For Fiscal Year 2016-17, the Executive Budget Office is directed to review Executive Branch agencies to determine whether*  
23 *their budgets warrant an other fund authorization increase due to the one percent compensation increase for all full-time employees.*  
24 *If so warranted, the Executive Budget Office shall work with the Office of the Comptroller General to increase such authorization*  
25 *for the affected agencies.*

26       The Department of Administration shall allocate associated compensation increases for retirement employer contributions based  
27 on the retirement rate of the retirement system in which individual employees participate.

28       The Executive Director of the State Fiscal Accountability Authority is authorized to use excess appropriations for the current fiscal  
29 year designated for statewide employer contributions for other statewide purposes. At the discretion of the Executive Director of the  
30 State Fiscal Accountability Authority, such action may be considered a permanent transfer into the receiving agency's base budget.

31       Funds appropriated in Part IA, F300, Section 106, Statewide Employee Benefits may be carried forward from the prior fiscal year  
32 into the current fiscal year.

33       **117.119.** (GP: Sickle Cell Disease Study Committee) ~~Of the funds authorized and appropriated to the Department of Health and~~  
34 ~~Environmental Control, a Sickle Cell Disease Study Committee shall be created and charged with better serving adults with sickle~~  
35 ~~cell disease (SCD), health care providers, and the public about State care and treatment. The committee is to examine existing~~  
36 ~~services and resources available to children with the disease as well as adults with the disease. Additionally, the committee is to~~

1 ~~establish partnerships with institutions, and communities, a statewide network of service providers for adults with the disease; a~~  
2 ~~comprehensive education and treatment program for adults, as well as establish standardized treatment and emergency room~~  
3 ~~protocols.~~

4 ~~Membership of the committee shall be comprised of thirteen members as follows:~~

5 ~~(1) one researcher or physician from the Medical University of South Carolina specializing in hematology;~~

6 ~~(2) one researcher or physician from the Children's Hospital Sickle Cell Clinic at the Medical University of South Carolina;~~

7 ~~(3) one citizen with Sickle Cell Disease;~~

8 ~~(4) one parent or caregiver of an individual with Sickle Cell Disease;~~

9 ~~(5) the Executive Director of the SC Hospital Association or their designee;~~

10 ~~(6) the President of the South Carolina Medical Association or their designee;~~

11 ~~(7) the Superintendent of Education or their designee;~~

12 ~~(8) the Director of the Department of Health and Environmental Control or their designee;~~

13 ~~(9) the Director of the Department of Health and Human Services or their designee;~~

14 ~~(10) two members of the House of Representatives appointed by the Speaker of the House, one of whom the Speaker shall~~  
15 ~~designate as a co-chair of the study committee; and~~

16 ~~(11) two members of the Senate appointed by the President Pro Tempore of the Senate, one of whom the President Pro Tempore~~  
17 ~~shall designate as a co-chair of the study committee.~~

18 ~~The study committee also may invite representatives of nonprofit entities with expertise regarding Sickle Cell Disease to participate~~  
19 ~~in the study committee process.~~

20 ~~The House of Representatives Medical, Military and Municipal Affairs Committee and the Senate Medical Affairs Committee~~  
21 ~~shall designate staff to assist the study committee.~~

22 ~~The study committee shall provide a report with findings and recommendations to the General Assembly and the Governor by~~  
23 ~~June 30, 2016, at which time the study committee shall dissolve.~~

24 **117.120.** (GP: Comprehensive Workforce Development Coordination Initiative) ~~In the current fiscal year, the State Board for~~  
25 ~~Technical and Comprehensive Education, the Department of Commerce, the Department of Education, and the Department of~~  
26 ~~Employment and Workforce, shall survey the workforce development needs of the State to develop a comprehensive workforce~~  
27 ~~development coordination initiative where the technical colleges, school districts, and career centers shall work together to increase~~  
28 ~~pathways to coursework, equipment, and facilities as well as utilizing the EEDA, Dual Credit courses, Adult Education programs~~  
29 ~~and Career and Technology courses and programs, to include the enhancing of existing, or creation of new, subsidized training~~  
30 ~~programs in all regions of South Carolina that will confer the necessary skills and training to prepare students for careers in high-~~  
31 ~~demand fields and critical need positions in businesses and industries experiencing difficulty recruiting and retaining qualified~~  
32 ~~applicants. The survey must include, but is not necessarily limited to, a review and analysis of available labor market information~~  
33 ~~from the Department of Employment and Workforce. This report must be completed no later than September 15, 2015. The State~~  
34 ~~Board for Technical and Comprehensive Education, the Department of Commerce, the Department of Education, and the Department~~  
35 ~~of Employment and Workforce are directed to use the report in order to develop a statewide Pathways program in alignment with~~  
36 ~~the Education and Economic Development Act to facilitate a seamless transition from education to employment in industries with~~

~~critical workforce shortages. This plan shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the Ways and Means Committee, the Chairman of the Senate Labor Commerce and Industry Committee, the Chairman of the House Labor Commerce and Industry Committee, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee no later than February 1, 2016 and must include, at minimum, an analysis of program accountability measures and key performance indicators.~~

**117.121.** (GP: Child Fatality Review) The agencies specified shall implement the following recommendations contained in the Legislative Audit Council's October 2014 report "A Review of Child Welfare Services at the Department of Social Services":

(1) Annually, the Department of Social Services and the State Child Fatality Advisory Committee shall jointly report statistics on child deaths from maltreatment and the number of those with prior Department of Social Services involvement;

(2) The Department of Social Services and the State Child Fatality Advisory Committee shall use their child fatality review findings to make recommendations to revise Department of Social Services policy or practice where appropriate;

(3) The Department of Social Services shall ensure that it includes child fatality statistics from all relevant sources when reporting to the National Child Abuse and Neglect Data System. These sources shall include, but not be limited to, law enforcement agencies and the Department of Health and Environmental Control;

(4) The State Law Enforcement Division and the Department of Health and Environmental Control shall establish a system for cross checking child fatalities in the state to ensure that all fatalities are being properly reported to the State Law Enforcement Division;

(5) The State Law Enforcement Division and the State Child Fatality Advisory Committee shall review the training provided to coroners on the reporting of child fatalities to ensure that information is provided on which fatalities are to be reported and what procedure is to be followed for reporting the fatalities;

(6) The Department of Public Safety shall report statistics on all child fatalities to the State Child Fatality Advisory Committee; and

(7) The State Child Fatality Advisory Committee shall evaluate the feasibility of adopting the Child Death Review Case Reporting System developed by the National Center for the Review and Prevention of Child Deaths and shall submit a report on their findings to the General Assembly by December 1, ~~2015~~ 2016.

Pursuant to Section 63-11-1930 (E) of the 1976 Code, the director of each agency specified in this provision shall ensure that sufficient staff and administrative support is provided to the State Child Fatality Advisory Committee to accomplish the requirements of this provision.

**117.122.** (GP: Energy Efficiency Repair and Related Maintenance) ~~The following funds appropriated by proviso 118.16 of Act 286 of 2014 for the Higher Education Efficiency, Effectiveness and Accountability Review and carried forward to be used for the same purpose shall be redirected for the purpose of energy efficiency repair and energy related maintenance as specified herein:~~

<del>(1) H090 The Citadel</del>	<del>.....</del>	<del>\$ 81,290;</del>
<del>(2) H120 Clemson University</del>	<del>.....</del>	<del>\$ 596,066;</del>
<del>(3) H150 University of Charleston</del>	<del>.....</del>	<del>\$ 176,755;</del>
<del>(4) H170 Coastal Carolina University</del>	<del>.....</del>	<del>\$ 81,842;</del>
<del>(5) H180 Francis Marion University</del>	<del>.....</del>	<del>\$ 107,372;</del>

1	<del>(6) H210 Lander University .....</del>	<del>\$ 55,958;</del>
2	<del>(7) H270 University of South Carolina Columbia Campus .....</del>	<del>\$ 971,902;</del>
3	<del>(8) H290 University of South Carolina Aiken Campus .....</del>	<del>\$ 58,922;</del>
4	<del>(9) H340 University of South Carolina Upstate Campus .....</del>	<del>\$ 82,157;</del>
5	<del>(10) H360 University of South Carolina Beaufort Campus .....</del>	<del>\$ 23,779;</del>
6	<del>(11) H470 Winthrop University .....</del>	<del>\$ 81,917; and</del>
7	<del>(12) H510 Medical University of South Carolina .....</del>	<del>\$ 352,825.</del>

8 Each institution shall use the amount identified above only for energy efficiency repair and energy related maintenance that is  
9 necessary for the safe and efficient operation of the institution's physical plant. In the event any portion of the funds specified above  
10 have been transferred for the Higher Education Efficiency, Effectiveness and Accountability Review, institutions shall utilize  
11 remaining funds, if any, for the purposes described in this provision.

12 Funds must not be used for new construction and may only be utilized by an institution to the extent the funds are matched by the  
13 institution for necessary energy efficiency repair and energy related maintenance projects generally.

14 Matching funds exclude supplemental, capital reserve, lottery, or non-recurring state funds appropriated to an institution either in  
15 the current fiscal year or from a prior fiscal year for repair and maintenance or deferred maintenance projects.

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, including the sources of funds utilized to meet this requirement.

18 Not later than 120 days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the  
19 Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.

20 **117.123.** (GP: Refugee Resettlement Program) No state funds shall be expended to assist in the United States Refugee  
21 Resettlement Program unless the county council of the county where the resettlement is to occur approves the relocation.

22 **117.124.** (GP: Capital Bond Study Committee) Notwithstanding any other provision of law, (A) from the funds appropriated to  
23 the Senate, the House of Representatives and the Governor's Office, there is established a Capital Bond Study Committee. The  
24 committee shall be composed of:

- 25 (1) three members of the Senate, one member appointed by the Chairman of the Senate Finance Committee, one member  
26 appointed by the Majority Leader and one member appointed by the Minority Leader;
- 27 (2) three members of the House of Representatives, one member appointed by the Chairman of the House Ways and Means  
28 Committee, one member appointed by the Majority Leader and one member appointed by the Minority Leader; and
- 29 (3) three members appointed by the Governor.

30 All appointments shall be made not later than July 15, 2015. The committee must be staffed by the staff of the Senate, the House  
31 of Representatives and the Governor's Office. Members of the committee shall receive mileage, subsistence and per diem at the rate  
32 provided by law. The committee may elect a chairperson and other appropriate officers from its membership. The committee shall  
33 begin meeting as soon as possible to accomplish the goals set forth in this paragraph.

34 (B) The committee shall study the capital needs of the state's higher education institutions, including the technical college system.  
35 The study shall include, but is not limited to:

- 36 (1) capital improvement plans of higher education institutions;



- 1           ~~(2) long term capital bond needs;~~  
2           ~~(3) bond capacity and debt service;~~  
3           ~~(4) other related subjects that may serve to inform the General Assembly and the Governor as determined by the committee;~~  
4   and  
5           ~~(5) the merits, necessity and projected costs of each of the capital improvement plans and projects it studies and prepare~~  
6   ~~recommendations addressing the priority of the projects for future funding.~~  
7   ~~(C) The committee may solicit information from any person or entity it deems relevant to its study. The committee must make a~~  
8   ~~report of its findings and recommendations, including proposed legislation, to the Joint Bond Review Committee by December 31,~~  
9   ~~2015, at which time the study committee shall be dissolved.~~  
10   **117.125.** (GP: Study Committee on Homeowners Associations) ~~(A) In the current fiscal year, and from the funds appropriated~~  
11   ~~to the Senate and the House of Representatives, there is created the Study Committee on Homeowners Associations to review laws,~~  
12   ~~policies, practices, and procedures regarding homeowners associations in this State and other jurisdictions, and to make~~  
13   ~~recommendations to the General Assembly regarding proposals for South Carolina's statutory law. The study committee shall review~~  
14   ~~information, including, but not limited to, case law, statutes, uniform laws, and other information from South Carolina and other~~  
15   ~~jurisdictions concerning homeowners associations. Specifically, the study committee is authorized, but not limited to, reporting on~~  
16   ~~the following issues:~~  
17           ~~(1) disclosure of governing documents to prospective buyers;~~  
18           ~~(2) education for homeowners and board members;~~  
19           ~~(3) manager certification or licensing;~~  
20           ~~(4) time period for developer control of an association; and~~  
21           ~~(5) need for a comprehensive or uniform planned community act.~~  
22   ~~(B) The study committee must be composed of thirteen members:~~  
23           ~~(1) two members of the Senate, appointed by the Chairman of the Senate Judiciary Committee;~~  
24           ~~(2) two members of the House of Representatives, appointed by the Chairman of the House Labor, Commerce and Industry~~  
25   ~~Committee;~~  
26           ~~(3) the following members jointly selected by the Chairman of the Senate Judiciary Committee and Chairman of the House~~  
27   ~~Labor, Commerce and Industry Committee:~~  
28           ~~(a) three property owners who are:~~  
29               ~~(i) required to be members of a homeowners association due to owning property in the homeowners association;~~  
30   and  
31               ~~(ii) governed by a homeowners association board;~~  
32           ~~(b) two lawyers, one representing homeowners associations and boards and the other representing homeowners;~~  
33           ~~(c) two managers, one in favor of certification or licensing and one opposed to certification or licensing;~~  
34           ~~(d) one realtor;~~  
35           ~~(e) one home builder or developer; and~~

1           ~~(4) the administrator for the Department of Consumer Affairs and the Director for the Department of Labor, Licensing and~~  
2 ~~Regulations, or their designees, serving ex officio.~~

3           ~~(C) Vacancies in the study committee's membership must be filled in the same manner of original appointment.~~

4           ~~(D) The Chairmen of the Senate Judiciary Committee and House Labor, Commerce and Industry Committee shall provide~~  
5 ~~appropriate staffing for the study committee.~~

6           ~~(E) The study committee shall make a report of its recommendations to the General Assembly by December 31, 2015, at which~~  
7 ~~time the study committee must be dissolved.~~

8           **117.126.** (GP: Grant Funds) ~~Funds granted to the Fountain Inn Kiwanis Club in a prior fiscal year may be used for a like purpose~~  
9 ~~by its successor entity.~~

10           **117.127.** (GP: Horry County CTC Allocation) ~~Notwithstanding any provision in this act to the contrary, Horry County may use~~  
11 ~~up to \$750,000 of its allocations pursuant to SECTION 1(B)(3), SECTION 3(B)(3), and SECTION 5 of H.4230, R 130, Act 92 of~~  
12 ~~2015, for the Horry Georgetown Evacuation Route.~~

13           **117.128.** (GP: First Steps Reauthorization) Act 99 of 1999, the South Carolina First Steps to School Readiness Act, is  
14 reauthorized for the duration of Fiscal Year 2016-17.

15           **117.129.** (GP: Revolving Loan Fund) By July 15, 2016, the State Treasurer shall issue a request for proposal for a South Carolina  
16 non-profit corporation to manage the application and review process of the Charter School Facility Revolving Loan Program  
17 established in Section 59-40-175, of the 1976 Code. Funds shall be made available to approved applicants no later than October 1  
18 each year so that facility plans may proceed for the following school year.

19           **117.130.** (GP: Family Planning Funds) (A) Notwithstanding any other law, federal family planning funds and state family  
20 planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the  
21 following order of descending priority:

22           (1) public entities that provide family planning services, including state, county, and local community health clinics and  
23 federally qualified health centers;

24           (2) nonpublic entities that provide comprehensive primary and preventive health services, as described in 42 U.S.C.  
25 254b(b)(1)(A), in addition to family planning services; and

26           (3) nonpublic entities that provide family planning services but do not provide comprehensive primary and preventive health  
27 services.

28           (B) Family planning funds must be distributed in compliance with federal law to ensure distribution in a manner that does not  
29 severely limit or eliminate access to family planning services in any region of the State.

30           (C) Any department, agency, board, commission, office, or other instrumentality of the State that distributes family planning funds  
31 shall submit an annual report to the General Assembly listing any family planning contractors that fall under item (A)(3), and the  
32 amount of federal or state family planning funds they received. The report shall provide a detailed explanation of how it was  
33 determined that there were an insufficient number of eligible individuals, organizations, or entities in items (A)(1) and (A)(2) to  
34 prevent a significant reduction in family planning services in each region of the State where (A)(3) contractors are located.

1 117.131. (GP: Immigration Unit Transfer to SLED) For the current fiscal year, effective July 1, 2016, the duties, functions,  
2 responsibilities, personnel, funding, and physical assets of the Illegal Immigration Unit are transferred from the Department of  
3 Public Safety to the State Law Enforcement Division.

4 117.132. (GP: Excess Conservation Bank Funds) Of the funds collected by the South Carolina Conservation Bank that are in  
5 excess of the amount authorized in this act, \$3,000,000 shall be transferred by the Conservation Bank to the Department of Natural  
6 Resources for operation and management of the Wildlife Management Areas; \$210,000 shall be transferred to the Department of  
7 Natural Resources for heavy equipment for dike repair and road maintenance; and \$1,600,000 shall be transferred to the Department  
8 of Natural Resources for Samworth, Santee Coastal and Santee Delta Wildlife Management Areas dike repair and replacement. The  
9 Department of Natural Resources shall carry forward these funds to be used for the same purpose.

10 117.133. (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  
33 priorities; (b) budget summaries; (c) planned projects and procurements; (d) staffing plans; (e) security initiatives; and (f) risks,  
34 issues, and 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 31st 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.

5 117.134. (GP: Uniform and Retroactive Step Increase) Where a step increase is funded or authorized in this Act for full-time  
6 classified state employees, it shall be applied uniformly across the same position title and pay band associated with that position  
7 title. This step increase shall apply retroactively for step increases awarded in Fiscal Year 2013-14, Fiscal Year 2014-15 and Fiscal  
8 Year 2015- 16.

9 117.135. (GP: County Transportation Committee Road Program Supplement) The South Carolina Transportation Infrastructure  
10 Bank shall transfer the \$50,000,000 appropriated by Act 92 of 2015 to the Department of Transportation. The department shall  
11 distribute these funds to the County Transportation Committee Road Program pursuant to Section 12-28-2740 of the 1976 Code.  
12 County Transportation Committees shall utilize the funds distributed pursuant to this proviso solely for use on the state-owned  
13 secondary road system for paving, rehabilitation, resurfacing, and/or reconstruction, and bridge repair, replacement, or  
14 reconstruction. No funds from this allocation shall be used for any road, bridge, or highway that is not part of the state owned  
15 system.

16 Unexpended funds appropriated pursuant to this provision may be carried forward and expended for the same purposes.

17 117.136. (Sentencing Reform Oversight Committee Reauthorization) The Sentencing Reform Oversight Committee established  
18 by Chapter 28 of Title 24 of the 1976 Code is reauthorized for Fiscal Year 2016-17, notwithstanding the provisions of Section 24-  
19 28-20(c). Four members shall be added to the Sentencing Reform Oversight Committee. Two shall be members of the House of  
20 Representatives, one appointed by the Speaker of the House and one appointed by the Chairman of the Ways and Means Committee.  
21 Two shall be members of the Senate, one appointed by the President Pro Tempore of the Senate and one appointed by the Chairman  
22 of the Senate Finance Committee.

## 23

## 24 SECTION 118 - X910 - STATEWIDE REVENUE

## 25

26 **118.1.** (SR: Year End Cutoff) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary  
27 expenses of the State Government shall lapse on July 31, ~~2016~~ 2017. State agencies are required to submit all current fiscal year  
28 input documents and all electronic workflow for accounts payable transactions to the Office of Comptroller General by July 14, ~~2016~~  
29 2017. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall lapse at the end of the second fiscal  
30 year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the State  
31 Fiscal Accountability Authority and Joint Bond Review Committee, toward the accomplishment of the purposes for which the  
32 appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding  
33 or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite  
34 commitments shall have been made, with the approval of the State Fiscal Accountability Authority, toward the accomplishment of  
35 the purposes for which the appropriations were provided.

1       **118.2.** (SR: Titling of Real Property) It is the intent of the General Assembly to establish a comprehensive central property and  
2 office facility management process to plan for the needs of state government agencies and to achieve maximum efficiency and  
3 economy in the use of state owned or state leased real properties. The Department of Administration is directed to identify all state  
4 owned properties whether titled in the name of the state or an agency or department, and all agencies and departments of state  
5 government are upon request to provide the department all documents related to the title and acquisition of the real properties that  
6 are occupied or used by the agency or titled in the name of the agency. Except for any properties where the department determines  
7 title should not be in the name of the State because the properties are subject to reverter clauses or other restraints on the property,  
8 or where the department determines the state would be best served by not receiving title, and with the exception of properties,  
9 highways and roadways owned by the Department of Transportation, title of any property held by or acquired by a state agency or  
10 department shall be titled in the name of the state under the control of the Department of Administration. Titling in the name of the  
11 state shall not affect the operation or use of real property by an agency.

12       This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority;  
13 the Ports Authority; the South Carolina Division of Public Railways; the MUSC Hospital Authority; the Myrtle Beach Air Force  
14 Redevelopment Authority; the Department of Transportation; the Midlands Technical College Enterprise Campus Authority, the  
15 Trident Technical College Enterprise Campus Authority; the Area Commission of Tri-County Technical College; and the Charleston  
16 Naval Complex Redevelopment Authority.

17       This provision is comprehensive and supersedes any conflicting provisions concerning title and acquisition and disposition of state  
18 owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

19       The Department of Administration is directed to provide to the Department of Education, funds equal to the amount realized from  
20 the sale of the Greenville Halton Road Bus Shop property for school bus maintenance shop relocations, construction, and shop  
21 equipment.

22       **118.3.** (SR: Contingency Reserve Fund) (A) There is created in the State Treasury a fund separate and distinct from the general  
23 fund of the State, the Capital Reserve Fund, and all other funds entitled the Contingency Reserve Fund. All general fund revenues  
24 accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to this fund.  
25 Revenues credited to this fund in a fiscal year may be appropriated by the General Assembly. Upon determination by the Comptroller  
26 General as to the amount to be deposited in the Contingency Reserve Fund, the Comptroller General shall notify the Board of  
27 Economic Advisors and the board shall recognize that amount as surplus funds. Revenues in this fund may be appropriated only for  
28 the purposes provided in subsection (B).

29       (B) (1) If the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State  
30 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  
31 Contingency Reserve Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant  
32 the minimum replenishment amount otherwise required to be made to the general reserve fund.

33       (2) After the appropriation of amounts required pursuant to item (1) of this subsection, any remaining balance may be  
34 appropriated by the General Assembly as it deems appropriate.

1       **118.4.** (SR: Increased Enforced Collections Carry Forward) Unexpended funds appropriated pursuant to Proviso 90.16 in Part IB  
2 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  
3 purposes.

4       **118.5.** (SR: Health Care Maintenance of Effort Funding) The revenue collected from the fifty cent cigarette surcharge and  
5 deposited into the South Carolina Medicaid Reserve Fund and shall be utilized by the Department of Health and Human Services for  
6 the Medicaid program. By this provision these funds are deemed to have been received and are available for appropriation.  
7 Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the  
8 same purposes.

9       **118.6.** (SR: Prohibits Public Funded Lobbyists) All state agencies and institutions are prohibited from using general fund  
10 appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics  
11 Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying  
12 activities were not funded by general fund appropriations.

13       All state agencies and institutions are prohibited from entering into contracts using general fund appropriations to provide lobbying  
14 services to the agency or institution.

15       **118.7.** (SR: Admissions Tax) For the current fiscal year, up to one hundred fourteen thousand dollars in admissions tax revenue  
16 collected annually from all events held at a NASCAR sanctioned motor speedway or racetrack that hosts at least one race each year  
17 featuring the preeminent NASCAR cup series must be rebated to the motorsports entertainment complex facility in the current fiscal  
18 year to keep a NASCAR race at the motorsports entertainment complex facility. In addition, any sports facility that hosts at least  
19 one preeminent Women's Tennis Association-sanctioned tournament or any sports facility that operates as the home venue for a  
20 professional soccer team that participates in the United Soccer Leagues, second division or higher, must be rebated to the facility  
21 half of its admissions tax revenue for the fiscal year and used by that facility for marketing the events held at the facility.

22       **118.8.** (SR: Agency Deficit Notice) The Comptroller General or the Executive Budget Office shall (1) provide written notice to  
23 each member of the General Assembly when it makes a report concerning an agency, department, or institution that is expending  
24 authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and (2)  
25 make monthly progress reports concerning an agency's, department's, or institution's plan to reduce or eliminate the deficit.

26       **118.9.** (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from  
27 the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December  
28 31, ~~2015~~ 2016, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund.  
29 These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief  
30 Reserve Fund shall be retained and carried forward to be used for the same purpose.

31       **118.10.** (SR: Tax Deduction for Consumer Protection Services) (A) In addition to the deductions allowed in Section 12-6-1140  
32 of the 1976 Code, there is allowed a deduction in computing South Carolina taxable income of an individual the actual costs, but not  
33 exceeding three hundred dollars for an individual taxpayer, and not exceeding one thousand dollars for a joint return or a return  
34 claiming dependents, incurred by a taxpayer in the taxable year to purchase a monthly or annual contract or subscription for identity  
35 theft protection and identity theft resolution services. The deduction allowed by this item may not be claimed by an individual if the  
36 individual deducted the same actual costs as a business expense or if the taxpayer is enrolled in the identity theft protection and

1 identity theft resolution services offered free of charge by the State of South Carolina. For purposes of this item, 'identity theft  
2 protection' means products and services designed to prevent an incident of identify fraud or identity theft or other protect the private  
3 of a person' personal identifying information, as defined in Section 16-13-510(D), by precluding a third party from gaining  
4 unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits or  
5 services; and identity theft resolution services means products and services designed to assist persons whose personal identifying  
6 information, as defined by Section 16-13-510(D), was obtained by a third party, whereby minimizing the effects of the identity fraud  
7 or identity theft incident and restoring the person's identity to pretheft status.

8 (B) The deduction provided in (A) is only allowed for taxpayers that filed a return with the Department of Revenue for any taxable  
9 year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information  
10 was contained on the return of another eligible person, including minor dependents.

11 (C) By March fifteenth of each year, the department shall issue a report to the Governor and the General Assembly detailing the  
12 number of taxpayers claiming the deduction allowed by this item in the most recent tax year for which there is an accurate figure,  
13 and the total monetary value of the deductions claimed pursuant to this item in that same year.

14 (D) The department shall prescribe the necessary forms to claim the deduction allowed by this section. The department may  
15 require the taxpayer to provide proof of the actual costs and the taxpayer's eligibility.

16 **118.11.** (SR: Tobacco Settlement) (A) To the extent funds are available from payments received on behalf of the State by the  
17 Tobacco Settlement Revenue Management Authority from the Tobacco Master Settlement Agreement ("MSA") during Fiscal Year  
18 ~~2015-16~~ 2016-17, the State Treasurer is authorized and directed, after transferring funds sufficient to cover the operating expenses  
19 of the Authority, to transfer the remaining funds as follows:

20 (1) \$1,253,000 to the Attorney General's Office for Diligent Enforcement and Arbitration Litigation; \$450,000 to the State  
21 Law Enforcement Division for Diligent Enforcement; and \$325,000 to the Department of Revenue for Diligent Enforcement, all to  
22 enforce Chapter 47 of Title 11, the Tobacco Escrow Fund Act; and

23 (2) The remaining balance shall be transferred to the Department of Health and Human Services for the Medicaid program.

24 (B) The requirements of Section 11-11-170 of the 1976 Code shall be suspended for Fiscal Year ~~2015-16~~ 2016-17.

25 **118.12.** (SR: Nonrecurring Revenue) ~~(A) The source of revenue appropriated in subsection (B) is nonrecurring revenue~~  
26 ~~generated from the following sources:~~

27 ~~(1) \$19,740,576 from Fiscal Year 2013-14 Contingency Reserve Fund;~~

28 ~~(2) \$19,280,467 from Fiscal Year 2014-15 unobligated general fund revenue as certified by the Board of Economic~~  
29 ~~Advisors;~~

30 ~~(3) \$27,802,168 from the Litigation Recovery Account; and~~

31 ~~(4) \$49,500,000 from Fiscal Year 2015-16 non-recurring contribution from the Unclaimed Property Fund.~~

32 ~~Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers~~  
33 ~~shall occur no later than thirty days after the close of the books on Fiscal Year 2014-15 and shall be available for use in Fiscal Year~~  
34 ~~2015-16.~~

35 ~~This revenue is deemed to have occurred and is available for use in Fiscal Year 2015-16 after September 1, 2015, following the~~  
36 ~~Comptroller General's close of the state's books on Fiscal Year 2014-15.~~

~~(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.~~

~~The State Treasurer shall disburse the following appropriations by September 30, 2015, for the purposes stated:~~

5	<del>(1) General Reserve Fund Contribution.....</del>	<del>\$ 8,140,680</del>
6	<del>(2) H630 Department of Education</del>	
7	<del>(a) Secure Vendor for Teacher Evaluation System.....</del>	<del>\$ 3,000,000</del>
8	<del>(b) Instructional Materials.....</del>	<del>\$ 14,508,278</del>
9	<del>(c) Governor's School for the Arts and the Humanities Facilities Management.....</del>	<del>\$ 275,000</del>
10	<del>(3) A850 Education Oversight Committee</del>	
11	<del>Reach Out and Read.....</del>	<del>\$ 500,000</del>
12	<del>(4) H710 Wil Lou Gray Opportunity School</del>	
13	<del>Campus Infrastructure Improvements.....</del>	<del>\$ 300,000</del>
14	<del>(5) H750 School for the Deaf and the Blind</del>	
15	<del>(a) Thackston Hall Roof Replacement.....</del>	<del>\$ 500,000</del>
16	<del>(b) School Buses.....</del>	<del>\$ 250,000</del>
17	<del>(6) H790 Department of Archives and History</del>	
18	<del>(a) Restoration and Repurposing of Fireproof Building (Requires 2:1 Match).....</del>	<del>\$ 1,500,000</del>
19	<del>(b) Kings Mountain Fort Thicketty Historic Restoration.....</del>	<del>\$ 100,000</del>
20	<del>(c) Historic Heyward House.....</del>	<del>\$ 100,000</del>
21	<del>(d) Architectural Heritage Preservation.....</del>	<del>\$ 250,000</del>
22	<del>(7) H910 Arts Commission</del>	
23	<del>(a) Auntie Karen Foundation Education Through Arts Curriculum.....</del>	<del>\$ 10,000</del>
24	<del>(b) Orangeburg County Fine Arts Center (Requires 2:1 Match).....</del>	<del>\$ 90,000</del>
25	<del>(8) H950 State Museum</del>	
26	<del>Security System.....</del>	<del>\$ 100,000</del>
27	<del>(9) H960 Confederate Relic Room &amp; Military Museum Commission</del>	
28	<del>C.A. Huey Collection.....</del>	<del>\$ 390,198</del>
29	<del>(10) H030 Commission on Higher Education</del>	
30	<del>(a) University Center of Greenville.....</del>	<del>\$ 250,000</del>
31	<del>(b) Need Based Grants.....</del>	<del>\$ 1</del>
32	<del>(11) H090 The Citadel</del>	
33	<del>Riley Initiative in Government and Public Policy.....</del>	<del>\$ 250,000</del>
34	<del>(12) H150 University of Charleston</del>	
35	<del>Avery Center.....</del>	<del>\$ 150,000</del>



1	(13) H180 Francis Marion University	
2	Business/Education School Building .....	\$ 100,000
3	(14) H210 Lander University	
4	Repair and Replace Science and Math Equipment (STEM) .....	\$ 1
5	(15) H360 USC Beaufort Campus	
6	Hilton Head Gateway Campus Classroom Building .....	\$ 1
7	(16) H390 USC Sumter Campus	
8	Science Building Renovation .....	\$ 500,000
9	(17) H400 USC Union Campus	
10	Success Building .....	\$ 67,000
11	(18) H470 Winthrop University	
12	(a) Library .....	\$ 1
13	(b) Academic Success Center .....	\$ 1
14	(19) H590 State Board for Technical and Comprehensive Education	
15	(a) ReadySC .....	\$ 765,881
16	(b) Manufacturing, STEM, and Healthcare Equipment .....	\$ 2,000,000
17	(c) Williamsburg Technical College Electrical Technology/MCSC Lab Renovations .....	\$ 628,000
18	(d) Greenville Technical College Bridge Tech STEM .....	\$ 65,000
19	(e) Greenville Technical College Center for Manufacturing and Innovation Building .....	\$ 500,000
20	(f) Florence-Darlington Technical College Academic and Workforce Development Building ..	\$ 1,000,000
21	(g) Central Carolina Technical College Workforce Center .....	\$ 500,000
22	(h) Northeastern Technical College Workforce Training Equipment .....	\$ 300,000
23	(i) Pathways to Workplace Infrastructure Development .....	\$ 1
24	(j) Aiken Technical College Advanced Manufacturing and Industrial Equipment .....	\$ 1,000,000
25	(k) Midlands Technical College QuickJobs: MTC CenterRapid Employment .....	\$ 1,000,000
26	(l) Spartanburg Community College Composite Manufacturing Training Center .....	\$ 1,000,000
27	(20) D500 Department of Administration	
28	South Carolina State University Vendor Debt .....	\$ 4,000,000
29	(20.1) Of the funds appropriated above in item 20 for South Carolina State University Vendor Debt, the Department of	
30	Administration, Executive Budget Office shall review all outstanding vendor debt to determine the vendors with the most aged	
31	outstanding accounts and shall utilize the \$4,000,000 to pay the accounts for which settlement of the outstanding debt would be most	
32	advantageous to the university.	
33	(21) J020 Department of Health and Human Services	
34	(a) Medicaid Eligibility System Replacement .....	\$ 2,689,449
35	(b) International Classification of Diseases (ICD 10) .....	\$ 561,828
36	(c) Medical Contracts .....	\$ 1,700,000

1	(d) Osprey Village.....	\$ 200,000
2	(22) J040 Department of Health and Environmental Control	
3	(a) J.R. Clark Sickle Cell Foundation.....	\$ 100,000
4	(b) Bleeding Disorders Premium Assistance Program.....	\$ 100,000
5	(c) National Kidney Foundation.....	\$ 1
6	(d) Criminal Domestic Violence (SCCADVASA).....	\$ 500,000
7	(e) Donate Life Organ Donor Registry.....	\$ 100,000
8	(f) Best Chance/Colon Cancer Networks.....	\$ 675,000
9	(g) City of North Myrtle Beach Ocean Water Quality Outfall Initiative.....	\$ 500,000
10	(h) Wateree Community Action Committee (Requires 1:1 Match).....	\$ 250,000
11	(i) Indoor Aquatic and Community Center Richland County (Requires 2:1 Match).....	\$ 100,000
12	(j) Real MAD Real Men Against Domestic Violence.....	\$ 100,000
13	(22.1) Of the funds appropriated above in subitem (22)(f), the Department of Health and Environmental Control shall utilize	
14	\$475,000 for the Best Chance Network and \$200,000 shall be used as matching funds for the Colon Cancer Prevention Network.	
15	(23) J120 Department of Mental Health	
16	(a) Information Network Security.....	\$ 250,000
17	(b) Community Housing MHA-SC.....	\$ 1,800,000
18	(c) Replacement of Patient Transportation Vehicles.....	\$ 349,127
19	(d) Inpatient Electronic Medical Records.....	\$ 2,743,451
20	(e) NAMI Law Enforcement Mental Health Center.....	\$ 250,000
21	(f) Waccamaw Mental Health Center Youth in Transition Program.....	\$ 167,000
22	(g) Columbia Area Mental Health Center Relocation from Bull Street Property	
23	(Requires 2:1 Match).....	\$ 500,000
24	(h) Lander Equestrian Center for Mental Health Treatment.....	\$ 300,000
25	(24) J160 Department of Disabilities and Special Needs	
26	(a) Autism Services.....	\$ 1,000,000
27	(b) Special Family Resource.....	\$ 1
28	(c) Savannah's Playground.....	\$ 100,000
29	(25) J200 Department of Alcohol and Other Drug Abuse Services	
30	Act 301 Behavioral Health Services.....	\$ 2,250,000
31	(26) L040 Department of Social Services	
32	(a) Information Security and Technology Infrastructure.....	\$ 922,991
33	(b) County Phone System Upgrade.....	\$ 310,234
34	(c) Antioch Center.....	\$ 150,000
35	(d) CR Neal Dream Center.....	\$ 150,000
36	(e) Epworth Children's Home.....	\$ 100,000

1	(f) <del>Phillis Wheatley Center – Let’s Move Summer Camp and After School Program</del> .....	\$	100,000
2	(g) <del>Pleasant Valley Connection Community Center</del> .....	\$	25,000
3	(h) <del>Donaldson Revitalization Group Center – Homeless Adults Transition Services</del> .....	\$	50,000
4	(i) <del>United Center for Community Care – Greenwood County</del> .....	\$	200,000
5	(27) X220 <del>Local Government Fund – State Treasurer</del>		
6	(a) <del>Local Government Fund – Counties</del> .....	\$	10,409,750
7	(b) <del>Local Government Fund – Municipalities</del> .....	\$	2,090,250
8	(28) B040 <del>Judicial Department</del>		
9	<del>Digital Courtroom Recorders</del> .....	\$	450,000
10	(29) E210 <del>Prosecution Coordination Commission</del>		
11	<del>SC Center for Fathers and Families</del> .....	\$	400,000
12	(30) E230 <del>Commission on Indigent Defense</del>		
13	<del>Information Technology and Security Infrastructure</del> .....	\$	100,000
14	(31) D100 <del>State Law Enforcement Division</del>		
15	(a) <del>Technology Equipment/Software</del> .....	\$	580,000
16	(b) <del>Investigative Personnel Operating Expenses</del> .....	\$	375,120
17	(c) <del>Alcohol Enforcement Personnel Operating Expenses</del> .....	\$	159,480
18	(d) <del>Administrative Personnel Operating Expenses</del> .....	\$	9,000
19	(e) <del>Insurance Fraud Investigators Operating Expenses</del> .....	\$	106,320
20	(f) <del>Bike Week Security Overtime Cost</del> .....	\$	51,000
21	(g) <del>Forensic Personnel Operating Expenses</del> .....	\$	169,645
22	(32) K050 <del>Department of Public Safety</del>		
23	(a) <del>Bike Week Security Overtime Cost</del> .....	\$	169,000
24	(b) <del>Public Safety Coordinating Council – Body Cameras</del> .....	\$	1,000,000
25	(33) N200 <del>Law Enforcement Training Council – Criminal Justice Academy</del>		
26	(a) <del>Information Security Infrastructure</del> .....	\$	277,582
27	(b) <del>Energy Facility Controls Replacement</del> .....	\$	209,957
28	(c) <del>Fire Panel Replacement</del> .....	\$	140,311
29	(d) <del>Classroom Audio/Visual Equipment</del> .....	\$	76,500
30	(e) <del>Dormitory Water Heater</del> .....	\$	66,000
31	(34) N040 <del>Department of Corrections</del>		
32	(a) <del>Mental Health Remediation Plan</del> .....	\$	1,499,659
33	(b) <del>Education Improvement Plan/Vocational Equipment</del> .....	\$	440,000
34	(35) N080 <del>Department of Probation, Parole and Pardon Services</del>		
35	<del>Bike Week Security Overtime Cost</del> .....	\$	29,656
36	(36) N120 <del>Department of Juvenile Justice</del>		

1	AMI Kids – Beaufort Marine Institute (Requires 1:1 Match).....	\$ 110,000
2	(37) P120 – Forestry Commission	
3	Firefighting Equipment.....	\$ 500,000
4	(38) P160 – Department of Agriculture	
5	“Certified SC” Marketing.....	\$ 2,000,000
6	(39) P210 – South Carolina State University PSA	
7	Matching Funds for Federal Grants.....	\$ 740,555
8	(40) P240 – Department of Natural Resources	
9	(a) Surface Water Modeling Phase III – Final.....	\$ 700,000
10	(b) Law Enforcement Vehicles for New Officers.....	\$ 1
11	(c) High Resolution Elevation Data Development.....	\$ 500,000
12	(41) P280 – Department of Parks, Recreation and Tourism	
13	(a) Parks and Recreation Development Fund.....	\$ 1
14	(b) Sports Development Marketing Program.....	\$ 875,000
15	(c) Newberry Opera House.....	\$ 60,000
16	(d) Palmetto Conservation Foundation – Palmetto Trail.....	\$ 300,000
17	(e) Columbia Museum of Art.....	\$ 200,000
18	(f) Hunting Island State Park Cabin Repairs.....	\$ 50,000
19	(g) Medal of Honor Museum.....	\$ 1,000,000
20	(h) Upstate 9/11 Memorial (Requires 2:1 Match).....	\$ 200,000
21	(i) Mountain Lakes Destination Promotion and Historic Preservation	
22	(Requires 2:1 Match).....	\$ 100,000
23	(j) Woodrow Wilson Home – National Marketing.....	\$ 125,000
24	(k) City of Sumter Green Space Initiative (Requires 1:1 Match).....	\$ 400,000
25	(l) Calhoun County Renovation of Former John Ford Middle/High School for	
26	Community Center (Requires 2:1 Match).....	\$ 180,000
27	(m) Spartanburg City Park Project.....	\$ 300,000
28	(n) City of Conway – Renovation of Horry County Museum for Multipurpose	
29	Space (Requires 3:1 Match).....	\$ 250,000
30	(o) African American History Museum.....	\$ 5,000,000
31	(p) Township Auditorium.....	\$ 250,000
32	(q) Manning Avenue/Wilder School Area Green Space Initiative.....	\$ 250,000
33	(r) Inman City Market.....	\$ 100,000
34	(42) P320 – Department of Commerce	
35	(a) Closing Fund.....	\$ 3,000,000
36	(b) Military Base Task Force.....	\$ 750,000

1	(c) SC Council on Competitiveness.....	\$ 250,000
2	(d) Rock Hill Knowledge Park (Requires 2:1 Match).....	\$ 400,000
3	(e) Community Development Corporations Initiative.....	\$ 100,000
4	(f) IT-ology Coursepower Project.....	\$ 200,000
5	(g) LocateSC.....	\$ 2,500,000
6	(h) Hartsville Downtown Revitalization - Center Theater (Requires 2:1 Match).....	\$ 500,000
7	(i) Marion County Economic Development.....	\$ 250,000
8	(j) Williamsburg County Economic Development.....	\$ 100,000
9	(k) Richland County Economic Development.....	\$ 100,000
10	(43) R360 Department of Labor, Licensing and Regulation	
11	(a) State Fire Marshal: Chester County - Countywide Fire Suppression.....	\$ 100,000
12	(b) State Fire Marshal: Fairfield County - Countywide Fire Suppression.....	\$ 100,000
13	(c) Wind and Seismic Residential Building Requirements Study.....	\$ 40,000
14	(44) Y140 State Ports Authority	
15	(a) Jasper Ocean Terminal Permitting.....	\$ 1,000,000
16	(b) Port of Georgetown Dredging/Maintenance Dredging.....	\$ 250,000
17	(45) L360 Human Affairs Commission	
18	Community Relations Councils.....	\$ 119,000
19	(46) U120 Department of Transportation	
20	State's Road Salt Infrastructure Maintenance-Regional.....	\$ 945,300
21	(47) A150 Codification of Laws and Legislative Council	
22	Dues.....	\$ 50,000
23	(48) A170 Legislative Services	
24	Systems Security.....	\$ 200,000
25	(49) E080 Office of Secretary of State	
26	Charitable Raffle Online Filing and Reporting System.....	\$ 150,000
27	(50) E240 Office of Adjutant General	
28	(a) Armory Maintenance.....	\$ 1,500,000
29	(b) State Share Disaster Relief.....	\$ 300,000
30	(c) Service Member and Family Care Cost Funding.....	\$ 250,000
31	(d) State Active Duty Log Packs.....	\$ 25,000
32	(e) Transitioning Military Assistance Programs.....	\$ 500,000

33 (50.1) Of the funds appropriated above in item (50)(e) for Transitioning Military Assistance Programs, the Office of Adjutant  
34 General shall provide \$350,000 to the Technical College of the Lowcountry for the Transitioning Military Training Program and  
35 \$150,000 to the Transitional Workforce Education Assistance Collaborative. Both programs shall, at a minimum, provide aviation  
36 related training to former and transitioning military members who are preparing for a job in the private sector workforce or shall

1 assist the military members refine the skills they have gained through their military service to match the demands of the job market  
2 in the region.

3 ~~(51) R520—State Ethics Commission~~

4 ~~New Investigative Positions Operating Expenses..... \$ 25,000~~

5 ~~Unexpended funds appropriated pursuant to this subsection may be carried forward to succeeding fiscal years and expended for~~  
6 ~~the same purposes.~~

7 ~~(C) From the eserow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to~~  
8 ~~offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic~~  
9 ~~viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference~~  
10 ~~between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by~~  
11 ~~the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access~~  
12 ~~fees to the facility for Fiscal Year 2015-16 at the Fiscal Year 2009-10 level. There shall also be paid from the eserow account the~~  
13 ~~annual dues of the Southern States Energy Board.~~

14 **118.13.** (SR: Additional Unobligated FY 2014-15 General Fund Surplus Revenue) ~~(A) The source of revenue appropriated in~~  
15 ~~subsection (B) is additional unobligated Fiscal Year 2014-15 General Fund surplus revenues totaling \$150,196,281 as certified by~~  
16 ~~the Board of Economic Advisors on May 29, 2015.~~

17 ~~(B) (1) E240—Office of Adjutant General~~

18 ~~Emergency Management Division: 2014 Winter Storm Local Matching Funds ..... \$ 4,117,162~~

19 ~~(1.1) From the funds appropriated in this item for 2014 Winter Storm Local Matching Funds, local governments shall~~  
20 ~~receive allocations to offset storm cleanup expenses resulting from the winter storms during states of emergency declared by~~  
21 ~~Executive Orders 2014-06 and 2014-11. Expenses eligible for reimbursement are those incurred by county and municipal~~  
22 ~~governments and deemed eligible for reimbursement by the Federal Emergency Management Agency (FEMA), but were not~~  
23 ~~reimbursed due to local match requirements. The amount reimbursed to each eligible local government shall be 25% of their Total~~  
24 ~~Non-Federal Aid Share. The intent of the General Assembly is for the local government to pay at least 75% of the Total Non-Federal~~  
25 ~~Aid Share.~~

26 ~~(2) U120—Department of Transportation~~

27 ~~County Transportation Committee Road Program..... \$ 145,829,119~~

28 ~~(2.1) The Department of Transportation shall distribute the \$145,829,119 appropriated above for the County Transportation~~  
29 ~~Committee Road Program pursuant to Section 12-28-2740 of the 1976 Code. County Transportation Committees shall utilize the~~  
30 ~~funds distributed pursuant to this proviso solely for use on the state-owned secondary road system for paving, rehabilitation,~~  
31 ~~resurfacing, and/or reconstruction, and bridge repair, replacement, or reconstruction. No funds from this allocation shall be used for~~  
32 ~~any road, bridge, or highway that is not part of the state-owned system.~~

33 ~~Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the~~  
34 ~~same purposes.~~

35 **118.14.** (SR: Transfer to Transportation Infrastructure Bank) ~~The State Treasurer~~ *From the Vehicle Sales Tax revenues currently*  
36 *in the general fund, the Department of Revenue shall transfer \$50,000,000 \$65,680,000 to the Department of Transportation. The*

1 Department of Transportation shall transfer \$65,680,000 from ~~general fund~~ non-tax sources to the South Carolina Transportation  
 2 Infrastructure Bank to be utilized solely to leverage bonds to finance bridge replacement, resurfacing, and rehabilitation projects, and  
 3 expansion and improvements to existing mainline interstates. The Department of Transportation shall develop and submit a list of  
 4 bridge and road projects to the bank for its consideration. Transferred funds may not be used for projects approved by the bank prior  
 5 to July 1, 2015 2016. The bank shall submit all projects proposed to be financed through this provision to the Joint Bond Review  
 6 Committee for approval prior to financing any proposed project.

7 **118.15.** (SR: Criminal Justice Academy \$5 Surcharge) (A) In addition to all other assessments and surcharges, during the  
 8 current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all  
 9 fin es, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates' or municipal  
 10 court for misdemeanor traffic offenses or for non-traffic violations. No portion of the surcharge may be waived, reduced, or  
 11 suspended. The additional surcharge imposed by this section does not apply to parking citations.

12 (B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and  
 13 paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the General  
 14 Fund.

15 (C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is  
 16 not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further  
 17 authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the  
 18 examination.

19 **118.16.** (SR: Nonrecurring Revenue) (A) The source of revenue appropriated in subsection (B) is nonrecurring revenue  
 20 generated from the following sources:

21 (1) \$46,750,797 from Fiscal Year 2014-15 Contingency Reserve Fund;

22 (2) \$239,798,000 from Fiscal Year 2015-16 unobligated general fund revenue as certified by the Board of Economic Advisors;

23 (3) \$138,518,632 from the Litigation Recovery Account;

24 (4) \$14,426,041 from Fiscal Year 2015-16 (V040) Excess Debt Service; and

25 (5) \$11,885,511 from Fiscal Year 2015-16 (X440) Excess Homestead Exemption.

26 Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers  
 27 shall occur no later than thirty days after the close of the books on Fiscal Year 2015-16 and shall be available for use in Fiscal Year  
 28 2016-17.

29 This revenue is deemed to have occurred and is available for use in Fiscal Year 2016-17 after September 1, 2016, following the  
 30 Comptroller General's close of the state's books on Fiscal Year 2015-16.

31 (B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must  
 32 be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded  
 33 in the order in which it appears to the extent that revenues are available.

34 The State Treasurer shall disburse the following appropriations by September 30, 2016, for the purposes stated:

35 (1) General Reserve Fund Contribution..... \$ 20,399,981

1	<u>(2) U200 - County Transportation Funds</u>	
2	<u>County Transportation Program.....</u>	<u>\$ 135,000,000</u>
3	<u>(3) U120 - Department of Transportation</u>	
4	<u>2015 Flood Road Repair Cost.....</u>	<u>\$ 37,300,000</u>
5	<u>(4) E240 - Office of Adjutant General</u>	
6	<u>Emergency Management Division - FEMA State and Local Match for 2015 Flooding.....</u>	<u>\$ 72,000,000</u>
7	<u>(5) P280 - Department of Parks, Recreation, and Tourism</u>	
8	<u>Statewide Coastal Beach Renourishment.....</u>	<u>\$ 40,000,000</u>
9	<u>(6) H630 - Department of Education</u>	
10	<u>(a) Technology Technical Assistance.....</u>	<u>\$ 16,800,000</u>
11	<u>(b) Education Outreach/State Museum.....</u>	<u>\$ 15,000</u>
12	<u>(c) Onsite Educational Programming/State Museum.....</u>	<u>\$ 10,000</u>
13	<u>(7) H120 - Clemson University - E&amp;G Outdoor Lab Facilities.....</u>	<u>\$ 2,000,000</u>
14	<u>(8) H150 - University of Charleston</u>	
15	<u>(a) Computer Science Program.....</u>	<u>\$ 650,000</u>
16	<u>(b) Gibbs Museum of Art.....</u>	<u>\$ 350,000</u>
17	<u>(9) H210 - Lander University</u>	
18	<u>Nursing and STEM Equipment.....</u>	<u>\$ 550,000</u>
19	<u>(10) H510 - Medical University of South Carolina</u>	
20	<u>Palmetto Palace.....</u>	<u>\$ 300,000</u>
21	<u>(11) H590 - State Board for Technical and Comprehensive Education</u>	
22	<u>(a) ReadySC Direct Training.....</u>	<u>\$ 13,554,507</u>
23	<u>(b) Critical Training Equipment.....</u>	<u>\$ 20,000,000</u>
24	<u>(c) Greenville Technical College - CMI Equipment.....</u>	<u>\$ 8,000,000</u>
25	<u>(d) Denmark Technical College - Barnwell Workforce Center.....</u>	<u>\$ 750,000</u>
26	<u>(e) Florence-Darlington Technical College - Academic Building.....</u>	<u>\$ 3,500,000</u>
27	<u>(f) Northeastern Technical College - Instructional Building.....</u>	<u>\$ 3,500,000</u>
28	<u>(g) Piedmont Technical College - Upstate Center for Manufacturing.....</u>	<u>\$ 3,500,000</u>
29	<u>(h) Technical College of the Lowcountry - Mobile Welding Lab.....</u>	<u>\$ 1,200,000</u>
30	<u>(11.1) The State Board for Technical and Comprehensive Education shall distribute the \$20,000,000 appropriated above in</u>	
31	<u>(11)(b) for "Critical Training Equipment" to all technical colleges, excluding Greenville Technical College.</u>	
32	<u>(12) J020 - Department of Health and Human Services</u>	
33	<u>(a) Medicaid Management and Information System.....</u>	<u>\$ 8,474,579</u>
34	<u>(b) USC School of Medicine Rural Health.....</u>	<u>\$ 2,000,000</u>
35	<u>(c) Medical Contracts.....</u>	<u>\$ 3,000,000</u>
36	<u>(d) Osprey Village.....</u>	<u>\$ 200,000</u>



1	<u>(13) J040 - Department of Health and Environmental Control</u>	
2	<u>(a) Data Center/Infrastructure.....</u>	\$ 2,000,000
3	<u>(b) Donate Life - Organ Donor Registry.....</u>	\$ 100,000
4	<u>(c) Water Quality Infrastructure.....</u>	\$ 2,750,000
5	<u>(d) Real MAD.....</u>	\$ 200,000
6	<u>(e) North Myrtle Ocean Outfall.....</u>	\$ 700,000
7	<u>(14) JI60 - Department of Disabilities and Special Needs</u>	
8	<u>Lander Equestrian Center.....</u>	\$ 300,000
9	<u>(15) L040 - Department of Social Services</u>	
10	<u>(a) Child Support System Development.....</u>	\$ 1,000,000
11	<u>(b) Antioch Senior Center.....</u>	\$ 100,000
12	<u>(c) CR Neal Dream Center.....</u>	\$ 100,000
13	<u>(d) Criminal Domestic Violence - SCCADVASA.....</u>	\$ 800,000
14	<u>(16) P200 - Clemson University-PSA</u>	
15	<u>Agriculture and Natural Resources Facilities.....</u>	\$ 1,000,000
16	<u>(17) P320 - Department of Commerce</u>	
17	<u>(a) Closing Fund.....</u>	\$ 10,000,000
18	<u>(b) Existing Industries - U.S. DOD Bus. Diversification Grant Match.....</u>	\$ 300,000
19	<u>(c) IT-ology Coursepower.....</u>	\$ 400,000
20	<u>(d) LocateSC.....</u>	\$ 5,400,000
21	<u>(e) Office of Innovation.....</u>	\$ 500,000
22	<u>(f) Research Initiatives.....</u>	\$ 3,000,000
23	<u>(18) R440 - Department of Revenue</u>	
24	<u>(a) CSID - Identity and Credit Protection Services.....</u>	\$ 1,000,000
25	<u>(b) System Improvements - Integrated Tax System.....</u>	\$ 1,145,202
26	<u>(19) C050 - Administrative Law Court</u>	
27	<u>Rent Increase.....</u>	\$ 5,000
28	<u>(20) D100 - State Law Enforcement Division</u>	
29	<u>Forensic Building Expansion.....</u>	\$ 10,100,000
30	<u>(21) N040 - Department of Corrections</u>	
31	<u>Agency Wide Paving.....</u>	\$ 2,360,580
32	<u>(22) N120 - Department of Juvenile Justice</u>	
33	<u>AMI Kids.....</u>	\$ 100,000
34	<u>(23) P240 - Department of Natural Resources</u>	
35	<u>(a) Fort Johnson Roof Replacement.....</u>	\$ 1,515,132
36	<u>(b) Law Enforcement Communication Center Upgrade.....</u>	\$ 800,000

1	<i>(c) Springs Stevens Hatchery - Harvest Kettle Renovation</i> .....	\$ 800,000
2	<i>(d) Waddell Center Infrastructure</i> .....	\$ 100,000
3	<i>(24) R520 - State Ethics Commission</i>	
4	<i>New Auditors Equipment</i> .....	\$ 10,000
5	<i>(25) H790 - Department of Archives and History</i>	
6	<i>(a) Digital Access and Storage Initiative</i> .....	\$ 439,000
7	<i>(b) Architectural Heritage Preservation</i> .....	\$ 2,100,000
8	<i>(26) H910 - Arts Commission</i>	
9	<i>SC Artisans Center</i> .....	\$ 500,000
10	<i>(27) H950 - State Museum Commission</i>	
11	<i>(a) Collections Database and Management System</i> .....	\$ 125,000
12	<i>(b) Collections and Content</i> .....	\$ 5,000
13	<i>(28) R200 - Department of Insurance</i>	
14	<i>Wind Studies</i> .....	\$ 20,000
15	<i>(29) Y140 - State Ports Authority</i>	
16	<i>Jasper Ocean Terminal Permitting</i> .....	\$ 1,500,000
17	<i>(30) A170 - Legislative Services</i>	
18	<i>Disaster Recovery</i> .....	\$ 500,000
19	<i>(31) E160 - Office of State Treasurer</i>	
20	<i>ABLE Savings Program</i> .....	\$ 100,000
21	<i>(32) E240 - Office of Adjutant General</i>	
22	<i>(a) EMD - Continuity of Operations and Government Plan</i> .....	\$ 250,000
23	<i>(b) Emergency Commodities</i> .....	\$ 100,000
24	<i>(c) Transitional Workforce Educational Assistance Collaborative</i> .....	\$ 200,000
25	<i>(33) U300 - Division of Aeronautics</i>	
26	<i>(a) Airport Facilities Security System Replacement</i> .....	\$ 100,000
27	<i>(b) State Aviation Fund</i> .....	\$ 1,000,000
28	<i>(34) P280 - Department of Parks, Recreation and Tourism</i>	
29	<i>(a) Information Technology Security Audit and PCI Compliance Audit</i> .....	\$ 300,000
30	<i>(b) Sports Development Marketing Program</i> .....	\$ 1,200,000
31	<i>(c) Medal of Honor Museum</i> .....	\$ 3,000,000
32	<i>(d) Sumter Environmental Center</i> .....	\$ 300,000

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END OF PART IB

1 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 2016-  
2 17.

3 If any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to  
4 be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the  
5 General Assembly hereby declaring that it would have passed this act, and each and every part, section, subsection, paragraph,  
6 subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other parts, sections,  
7 subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid,  
8 or otherwise ineffective.

9 Except as otherwise specifically provided, this act takes effect July 1, 2016.

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